



**Iowa General Assembly**  
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House File 158

H-1005

- 1 Amend House File 158 as follows:  
2 1. Page 1, line 8, after <kayaking,> by inserting  
3 <tubing>  
4 2. Page 1, line 17, after <kayaking,> by inserting  
5 <tubing>  
6 3. Page 1, line 20, after <kayaking,> by inserting  
7 <tubing>  
8 4. Page 1, line 26, after <kayaking,> by inserting  
9 <tubing>  
10 5. Title page, line 2, after <sledding> by  
11 inserting <or tubing>  
12 6. By renumbering as necessary.

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HESS of Clay



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House File 160

H-1006

1 Amend House File 160 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. MENTAL HEALTH AND DISABILITY SERVICES  
5 REDESIGN TRANSITION FUND.

6 1. There is transferred from the general fund of  
7 the state to the department of human services for the  
8 fiscal year beginning July 1, 2012, and ending June 30,  
9 2013, the following amount, or so much thereof as is  
10 necessary, to be used for the purposes designated:

11 To be credited to the mental health and disability  
12 services redesign transition fund created in 2012 Iowa  
13 Acts, chapter 1120, section 23:

14 ..... \$ 20,000,000

15 2. a. The moneys credited to the mental health and  
16 disability services redesign transition fund pursuant  
17 to subsection 1 are appropriated to the department  
18 of human services for allocation as provided in this  
19 lettered paragraph. The moneys shall be allocated to  
20 those counties identified by the department in scenario  
21 1 of the department's report on the transition fund  
22 submitted to the general assembly on December 4, 2012,  
23 pursuant to 2012 Iowa Acts, chapter 1120, section 23,  
24 to be used to continue or restore services as provided  
25 in the county applications in the award amounts  
26 determined by the department and listed under scenario  
27 1 in the report appendix. In addition, the moneys  
28 shall be allocated to the identified counties and to  
29 the other counties that applied for the transition  
30 fund, in the amounts necessary for the counties to  
31 carry forward from the fiscal year beginning July 1,  
32 2012, to the succeeding fiscal year, an ending balance  
33 of not less than 16.87 percent nor more than 25 percent  
34 of the amount each of the counties levied for the  
35 services fund created in section 331.424A for the  
36 fiscal year beginning July 1, 2012.

37 b. The allocations under this subsection shall be  
38 remitted to counties not later than two calendar weeks  
39 following the effective date of this Act.

40 c. A county receiving an allocation under this  
41 subsection and any other county with an obligation for  
42 outstanding undisputed Medicaid billings from a prior  
43 fiscal year shall either remit any unpaid portion of  
44 the obligation to the state before the close of the  
45 fiscal year beginning July 1, 2012, or have developed a  
46 plan with the department for payment of the obligation  
47 over a defined period of time.

48 3. For purposes of an application for county  
49 formation of a mental health and disability services  
50 region submitted on or before April 1, 2013, in

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jp/rj

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1 accordance with section 331.389, subsection 4, the  
2 director of human services may approve an application  
3 for a region that includes a county that is not  
4 contiguous with any of the other counties in the  
5 region, as otherwise required under section 331.389,  
6 subsection 3, paragraph "a", if the county that is not  
7 contiguous has had a formal relationship for two years  
8 or longer with one or more of the other counties in the  
9 region for provision of mental health and disability  
10 services.

11 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being  
12 deemed of immediate importance, takes effect upon  
13 enactment.>

14 2. By renumbering as necessary.

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HEDDENS of Story



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House Resolution 10 - Introduced

HOUSE RESOLUTION NO. 10

BY WORTHAN and MOORE

1 A Resolution urging the members of Congress to amend  
2 federal law to increase the maximum combined gross  
3 weight allowed for motor vehicles operated on  
4 interstate highways in Iowa.  
5 WHEREAS, federal laws and regulations impose a  
6 combined gross weight limit of 80,000 pounds for  
7 vehicles operated on interstate highways in Iowa; and  
8 WHEREAS, when federal weight limits were established  
9 for interstate highways, the weight limits in effect  
10 at the time for various states were "grandfathered",  
11 so that the weight limits established for interstate  
12 highways in many states are higher than the weight  
13 limit in Iowa; and  
14 WHEREAS, due to the current weight limit on Iowa's  
15 interstates, trucks with heavier loads are forced onto  
16 state and local roads, thereby increasing traffic and  
17 adding to the wear and tear on those roads; and  
18 WHEREAS, federal policies which allow heavier  
19 truck traffic on interstate highways in western states  
20 put Iowa at a competitive disadvantage with those  
21 states; NOW THEREFORE,  
22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
23 That the House of Representatives urges Congress  
24 to amend federal law to permit the federal highway  
25 administration to raise the weight limit on interstate  
26 highways in Iowa to 96,000 pounds; and  
27 BE IT FURTHER RESOLVED, That copies of this  
28 resolution be transmitted to the president of the

LSB 1905YH (3) 85

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dea/nh

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H.R. 10

1 United States Senate, the speaker of the United States  
2 House of Representatives, and each member of the Iowa  
3 congressional delegation.



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House Resolution 9 - Introduced

HOUSE RESOLUTION NO. 9

BY LOFGREN, ALONS, ROGERS, PAULSEN, LANDON, DRAKE,  
SODERBERG, DEYOE, WORTHAN, WATTS, KLEIN, KAUFMANN,  
HESS, HEATON, L. MILLER, GRASSLEY, and UPMEYER

1 A Resolution commending the nation of Israel for its  
2 cordial and mutually beneficial relationship with  
3 the United States and with the State of Iowa.

4 WHEREAS, Israel has been granted her lands under  
5 and through the oldest recorded deed, as recorded in  
6 the Old Testament, a tome of scripture held sacred and  
7 revered by Jews and Christians alike, as presenting the  
8 acts and words of God; and

9 WHEREAS, the claim and presence of the Jewish people  
10 in Israel has remained constant throughout the past  
11 4,000 years of history; and

12 WHEREAS, the legal basis for the establishment of  
13 the modern state of Israel was a binding resolution  
14 under international law, which was unanimously adopted  
15 by the League of Nations in 1922 and subsequently  
16 affirmed by both houses of the United States  
17 Congress; and

18 WHEREAS, this resolution affirmed the establishment  
19 of a national home for the Jewish people in the  
20 historical region of the Land of Israel, including the  
21 areas of Judea, Samaria, and Jerusalem; and

22 WHEREAS, Article 80 of the United Nations Charter  
23 recognized the continued validity of the rights  
24 granted to states or peoples which already existed  
25 under international instruments, and, therefore, the  
26 1922 League of Nations resolution remains valid, and



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1 the 650,000 Jews currently residing in the areas of  
2 Judea, Samaria, and eastern Jerusalem reside there  
3 legitimately; and

4 WHEREAS, Israel declared its independence and  
5 self-governance on May 14, 1948, with the goal of  
6 reestablishing its God-given and legally recognized  
7 lands as a homeland for the Jewish people; and

8 WHEREAS, the United States, having been the first  
9 country to recognize Israel as an independent nation  
10 and as Israel's principal ally, has enjoyed a close and  
11 mutually beneficial relationship with Israel and her  
12 people; and

13 WHEREAS, Israel is the greatest friend and ally of  
14 the United States in the Middle East and the values  
15 of our two nations are so intertwined that it is  
16 impossible to separate one from the other; and

17 WHEREAS, there are those in the Middle East who have  
18 continually sought to destroy Israel, from the time  
19 of its inception as a state, and those same enemies  
20 of Israel also hate, and seek to destroy, the United  
21 States; and

22 WHEREAS, the State of Iowa and Israel have enjoyed  
23 cordial and mutually beneficial relations since 1948,  
24 a friendship that continues to strengthen with each  
25 passing year; NOW THEREFORE,

26 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That  
27 the House of Representatives commends Israel for its  
28 cordial and mutually beneficial relationship with the  
29 United States and with the State of Iowa and supports  
30 Israel in its legal, historical, moral, and God-given

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jr/rj

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1 right of self-governance and self-defense upon the  
2 entirety of its own lands, recognizing that Israel is  
3 neither an attacking force nor an occupier of the lands  
4 of others, and that peace can be afforded the region  
5 only through a whole and united Israel.



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House Study Bill 114 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act requiring independent actuarial reviews for certain  
2 health insurance rate increase applications.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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av/nh



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1     Section 1. NEW SECTION. 505.18A Health insurance rate  
2 increase applications — independent actuarial review required.

3     1. When the commissioner receives an application for a  
4 rate increase filed by a health insurance carrier licensed  
5 to do business in the state, the commissioner shall retain  
6 an independent actuary to perform a secondary review of the  
7 application in addition to the review of the application  
8 performed by the actuarial staff of the division.

9     2. The independent actuary retained shall be qualified  
10 to perform such a review and shall not have a relationship,  
11 financial or otherwise, with the health insurance carrier  
12 that submitted the application, with other health insurance  
13 carriers licensed to do business in the state, or with the  
14 insurance industry in this state generally, that could create  
15 a conflict of interest or that could otherwise interfere with  
16 the performance of the independent actuary's duties under this  
17 section.

18     3. In performing the secondary review, the independent  
19 actuary shall verify the processes employed by the actuarial  
20 staff of the division to ensure that the division is conforming  
21 to actuarial best practices in the division's review of  
22 applications for health insurance rate increases.

23     4. The independent actuary shall be provided full access to  
24 all data filed by the health insurance carrier in support of  
25 its application for a rate increase. The independent actuary  
26 may request additional information from the carrier or from  
27 any other party to the application necessary to carry out the  
28 independent actuary's duties under this section and the carrier  
29 or other party to the filing shall furnish the additional  
30 information requested.

31     5. The independent actuary shall provide a written report  
32 of its secondary review and conclusions concerning the rate  
33 increase application to the commissioner. The commissioner  
34 shall post the report on the division's internet site for  
35 public review prior to approval, disapproval, or modification

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1 of the rate increase proposal by the commissioner.

2 6. If the application is for a rate increase in an amount  
3 that requires public hearing and comment as required under  
4 section 505.19, the commissioner shall conduct a public hearing  
5 and meet the other requirements of section 505.19 prior to  
6 approval, disapproval, or modification of the rate increase  
7 proposed.

8 7. The reasonable cost of retaining an independent actuary  
9 to perform a secondary review under this section shall be borne  
10 by the health insurance carrier that filed the application for  
11 a rate increase.

12 8. The commissioner shall adopt rules pursuant to chapter  
13 17A to implement the provisions of this section.

14 EXPLANATION

15 This bill requires the commissioner of insurance to retain  
16 an independent actuary to perform a secondary review of an  
17 application for a rate increase filed by a health insurance  
18 carrier licensed to do business in the state. The secondary  
19 review shall be in addition to the review of the application  
20 performed by the actuarial staff of the insurance division.

21 The independent actuary retained shall be qualified to  
22 perform such a review and shall not have a relationship,  
23 financial or otherwise, with the health insurance carrier  
24 that submitted the application, with other health insurance  
25 carriers licensed to do business in the state, or with the  
26 insurance industry in the state generally, that could create a  
27 conflict of interest or that could otherwise interfere with the  
28 performance of the independent actuary's duties under the bill.

29 In performing the secondary review, the independent actuary  
30 shall verify the processes employed by the division's actuarial  
31 staff to ensure that the division is conforming to actuarial  
32 best practices in reviewing rate increase applications.

33 The independent actuary shall be provided full access to all  
34 data filed by a health insurance carrier in support of its rate  
35 increase application and may request additional information

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1 from the carrier or any other party to the application as  
2 necessary to carry out the independent actuary's duties. The  
3 carrier or other party must furnish the additional information  
4 requested.

5 The independent actuary shall provide a written report  
6 of its secondary review and conclusions concerning the rate  
7 increase application to the commissioner who shall post the  
8 report on the insurance division's internet site for public  
9 review prior to approval, disapproval, or modification of the  
10 rate increase proposal.

11 If the application is for a rate increase in an amount that  
12 exceeds the average annual health spending growth rate stated  
13 in the most recent national health expenditure projection  
14 published by the centers for Medicare and Medicaid services of  
15 the United States department of health and human services, and  
16 for that reason requires public hearing and comment under Code  
17 section 505.19, the commissioner shall fulfill the requirements  
18 of Code section 505.19 prior to approval, disapproval, or  
19 modification of the rate increase proposed.

20 The reasonable cost of retaining an independent actuary  
21 to perform a secondary review shall be borne by the health  
22 insurance carrier that filed the application for a rate  
23 increase. The commissioner shall adopt rules to implement the  
24 provisions of the bill.



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House Study Bill 115 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
COMMERCE/CREDIT UNION  
DIVISION BILL)

A BILL FOR

1 An Act relating to matters under the purview of the credit  
2 union division of the department of commerce, and making  
3 penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1261DP (4) 85  
rn/sc



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 533.102, subsection 4, Code 2013, is  
2 amended to read as follows:

3 4. "*Credit union service organization*" means a corporation,  
4 ~~or~~ limited partnership, or limited liability company organized  
5 under state law to provide financial and financial-related  
6 services for one or more credit unions, each of which owns part  
7 of the capital stock of the credit union service organization,  
8 as authorized under section 533.301, subsection 5, paragraph  
9 "f", and which corporation, ~~or~~ limited partnership, or limited  
10 liability company is subject to examination by the credit  
11 union division of the Iowa department of commerce or a federal  
12 supervisory agency.

13 Sec. 2. Section 533.205, subsection 1, paragraph d, Code  
14 2013, is amended to read as follows:

15 d. A ~~chief~~ financial officer whose title shall be designated  
16 by the board.

17 Sec. 3. Section 533.301, subsections 28 and 29, Code 2013,  
18 are amended to read as follows:

19 28. Sell, to persons in the field of membership, negotiable  
20 checks, including traveler's checks; money orders; and other  
21 similar money transfer instruments including international and  
22 domestic electronic fund transfers and remittance checks.

23 29. Cash checks and money orders, and send and receive  
24 international and domestic electronic fund transfers and  
25 remittance transfers, for persons in the field of membership.

26 Sec. 4. Section 533.401, subsection 3, paragraphs a and b,  
27 Code 2013, are amended to read as follows:

28 a. ~~Notice of the meeting called to consider~~ balloting for  
29 the membership vote on the merger was mailed to each member of  
30 the merging credit union entitled to vote upon the question  
31 at least twenty days prior to the ~~date of the merger meeting~~  
32 scheduled conclusion of the vote.

33 b. The notice of balloting disclosed the purpose of the  
34 ~~meeting~~ vote and properly informed the membership that approval  
35 of the merger would be sought pursuant to this section.

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1 Sec. 5. Section 533.401, subsection 9, Code 2013, is amended  
2 by striking the subsection.

3 Sec. 6. Section 533.404, subsection 4, Code 2013, is amended  
4 by striking the subsection.

5 Sec. 7. Section 533.405, subsection 2, Code 2013, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *d.* The board of directors shall notify the  
8 national credit union administration of the intent to dissolve,  
9 as required by federal regulation.

10 Sec. 8. Section 533.405, Code 2013, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 4A. *a.* (1) Within ten days of the  
13 conclusion of a membership vote approving the voluntary  
14 dissolution, the board of directors or the liquidating agent  
15 appointed pursuant to subsection 4 shall cause notice, as  
16 provided in this subsection, to be given to creditors of the  
17 state credit union to present their claims.

18 (2) A copy of the notice of voluntary dissolution shall be  
19 mailed to all creditors reflected on the records of the state  
20 credit union.

21 *b.* In addition to mailing notice to known creditors, the  
22 state credit union shall also publish notice of the voluntary  
23 dissolution as follows:

24 (1) State credit unions with assets in excess of \$5  
25 million as of the month ending immediately prior to the date  
26 of the conclusion of the vote by the membership approving  
27 the dissolution shall publish the notice once a week for two  
28 successive weeks in a newspaper of general circulation in each  
29 county in which the state credit union maintains an office or  
30 branch for the transaction of business.

31 (2) State credit unions with assets of \$5 million or  
32 less as of the month ending immediately prior to the date of  
33 the conclusion of the vote by the membership approving the  
34 dissolution shall publish the notice once in a newspaper of  
35 general circulation in each county in which the state credit

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1 union maintains an office or branch.  
2     c. Mailed and published notices under this subsection shall  
3 indicate all of the following:  
4     (1) A creditor shall have thirty days from the date the  
5 notice was sent or first published to submit the creditor's  
6 claim. The state credit union must receive the claim on or  
7 before the thirtieth day, or the claim is barred.  
8     (2) Information that must be included in a claim.  
9     (3) A mailing address where a claim is to be sent.  
10    Sec. 9. Section 533.405, subsections 5 and 6, Code 2013, are  
11 amended to read as follows:  
12    5. a. Upon such proof as is satisfactory to the  
13 superintendent that all assets of the following have occurred,  
14 the superintendent shall issue a certificate of dissolution:  
15     (1) Assets have been liquidated from which there is a  
16 reasonable expectance of realization, ~~that the.~~  
17     (2) The liabilities of the state credit union have been  
18 discharged ~~and distribution.~~  
19     (3) Distribution has been made to its members, and that the  
20 pursuant to section 533.404, subsection 1.  
21     (4) The liquidation has been completed, ~~the superintendent~~  
22 ~~shall issue a certificate of dissolution, which.~~  
23    b. The certificate shall be filed and recorded in the county  
24 in which the state credit union has its principal place of  
25 business and in the county in which its original articles of  
26 incorporation were filed and recorded.  
27    ~~b.~~ c. Upon the ~~issuance~~ filing of a certificate of  
28 dissolution, the existence of the state credit union shall  
29 cease.  
30    6. a. At any time prior to any the final distribution  
31 of its assets, a state credit union may revoke the voluntary  
32 dissolution proceedings by the affirmative vote of a majority  
33 of its members eligible to vote, according to the provisions  
34 of section 533.203. At least twenty days' notice shall be  
35 provided between the sending of notice and the scheduled

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1 conclusion of the vote.

2        *b.* Upon the conclusion of the vote, the board of directors  
3 shall immediately notify the superintendent of any such action  
4 to revoke voluntary dissolution proceedings.

5	EXPLANATION
---	-------------

6 This bill makes specified changes relating to the  
7 administration and regulation of state credit unions.

8 The bill adds a limited liability company to the list of  
9 business entities encompassed within the definition of "credit  
10 union service organization" for purposes of Code chapter  
11 533. Additionally, the bill modifies the designation of a  
12 specified elected officer within the board of directors of  
13 a credit union such that one officer shall be a financial  
14 officer whose title shall be designated by the board, rather  
15 than a "chief" financial officer as the position is currently  
16 described. Also, the bill specifies that credit unions shall  
17 be authorized to sell remittance checks to, and send and  
18 receive remittance transfers for, persons in the credit union's  
19 field of membership.

20 The bill alters one of the requirements for approval by  
21 the superintendent of credit unions of a credit union merger.  
22 References to a meeting to be held on the question of merger  
23 are changed to balloting upon the question. The bill deletes a  
24 definition of the terms "merger" or "merge" within the context  
25 of a credit union merger.

26 Relating to the dissolution of a credit union, the bill  
27 deletes a provision which currently preserves remedies  
28 available to or against a credit union or its directors,  
29 officers, or members for rights or claims existing or liability  
30 incurred prior to a voluntary or involuntary dissolution if  
31 an action or other proceeding to enforce the right or claim  
32 was commenced within two years after the date of filing of  
33 a certificate or decree of dissolution. Also with regard to  
34 dissolution, the bill adds that the board of directors of a  
35 credit union undergoing dissolution shall notify the national

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1 credit union administration of its intent to dissolve.  
2     The bill further modifies voluntary dissolution provisions  
3 to establish creditor notification requirements and procedures  
4 concerning the presentation of claims and requirements that  
5 must be satisfied prior to issuance of a certificate of  
6 dissolution.



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House Study Bill 116 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON VANDER LINDEN)

A BILL FOR

- 1 An Act relating to voter registration deadlines.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1966YC (2) 85  
aw/sc



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H.F. \_\_\_\_\_

1 Section 1. Section 48A.9, subsection 1, Code 2013, is  
2 amended to read as follows:

3 1. Registration closes at 5:00 p.m. eleven days before each  
4 election ~~except primary and general elections. For primary and~~  
5 ~~general elections, registration closes at 5:00 p.m. ten days~~  
6 ~~before the election.~~ An eligible elector may register during  
7 the time registration is closed in the elector's precinct but  
8 the registration shall not become effective until registration  
9 opens again in the elector's precinct, except as otherwise  
10 provided in section 48A.7A.

11 Sec. 2. Section 48A.27, subsection 4, paragraph c,  
12 subparagraph (2), Code 2013, is amended to read as follows:

13 (2) The notice shall contain a statement in substantially  
14 the following form:

15 Information received from the United States postal service  
16 indicates that you are no longer a resident of, and therefore  
17 not eligible to vote in (name of county) County, Iowa. If this  
18 information is not correct, and you still live in (name of  
19 county) County, please complete and mail the attached postage  
20 paid card at least ~~ten days before the primary or general~~  
21 ~~election and at least~~ eleven days before any ~~other~~ election at  
22 which you wish to vote. If the information is correct and you  
23 have moved, please contact a local official in your new area  
24 for assistance in registering there. If you do not mail in  
25 the card, you may be required to show identification before  
26 being allowed to vote in (name of county) County. If you do not  
27 return the card, and you do not vote in an election in (name  
28 of county) County, Iowa, on or before (date of second general  
29 election following the date of the notice) your name will be  
30 removed from the list of voters in that county.

31 Sec. 3. Section 48A.29, subsection 1, paragraph b, Code  
32 2013, is amended to read as follows:

33 b. The notice shall contain a statement in substantially the  
34 following form:

35 Information received from the United States postal service

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1 indicates that you are no longer a resident of (residence  
2 address) in (name of county) County, Iowa. If this information  
3 is not correct, and you still live in (name of county) County,  
4 please complete and mail the attached postage paid card at  
5 ~~least ten days before the primary or general election and at~~  
6 ~~least~~ eleven days before any ~~other~~ election at which you wish  
7 to vote. If the information is correct, and you have moved,  
8 please contact a local official in your new area for assistance  
9 in registering there. If you do not mail in the card, you may  
10 be required to show identification before being allowed to vote  
11 in (name of county) County. If you do not return the card, and  
12 you do not vote in some election in (name of county) County,  
13 Iowa, on or before (date of second general election following  
14 the date of the notice) your name will be removed from the list  
15 of voters in that county.

16 Sec. 4. Section 48A.29, subsection 3, paragraph b, Code  
17 2013, is amended to read as follows:

18 b. The notice shall contain a statement in substantially the  
19 following form:

20 Information received by this office indicates that you are no  
21 longer a resident of (residence address) in (name of county)  
22 County, Iowa. If the information is not correct, and you still  
23 live at that address, please complete and mail the attached  
24 postage paid card at ~~least ten days before the primary or~~  
25 ~~general election and at least~~ eleven days before any ~~other~~  
26 election at which you wish to vote. If the information is  
27 correct, and you have moved within the county, you may update  
28 your registration by listing your new address on the card and  
29 mailing it back. If you have moved outside the county, please  
30 contact a local official in your new area for assistance in  
31 registering there. If you do not mail in the card, you may be  
32 required to show identification before being allowed to vote in  
33 (name of county) County. If you do not return the card, and you  
34 do not vote in some election in (name of county) County, Iowa,  
35 on or before (date of second general election following the

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aw/sc

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H.F. \_\_\_\_\_

1 date of the notice) your name will be removed from the list of  
2 registered voters in that county.

3

EXPLANATION

4 This bill relates to voter registration deadlines by  
5 requiring that voter registration closes at 5:00 p.m. 11 days  
6 before all elections. The bill also makes conforming changes.  
7 Current law requires that voter registration for primary and  
8 general elections close at 5:00 p.m. 10 days before those  
9 elections.



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House Study Bill 117 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to absentee voting at the office of the county  
2 commissioner of elections.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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aw/sc





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H.F. \_\_\_\_\_

1 Section 1. Section 53.2, subsection 1, paragraph a, Code  
2 2013, is amended to read as follows:  
3 a. Any registered voter, under the circumstances specified  
4 in section 53.1, may on any day, except after 12:00 p.m. on the  
5 Monday before the election and on election day, and not more  
6 than seventy days prior to the date of the election, apply in  
7 person for an absentee ballot at the commissioner's office or  
8 at any location designated by the commissioner. ~~However, for~~  
9 ~~those elections in which the commissioner directs the polls be~~  
10 ~~opened at noon pursuant to section 49.73, a voter may apply in~~  
11 ~~person for an absentee ballot at the commissioner's office from~~  
12 ~~8:00 a.m. until 11:00 a.m. on election day.~~

13 EXPLANATION

14 This bill relates to absentee voting at the office of the  
15 county commissioner of elections.

16 The bill removes current provisions requiring that a voter  
17 be allowed to vote in person at the county commissioner's  
18 office from 8:00 a.m. until 11:00 a.m. on election day for  
19 those elections when the commissioner directs the polls to be  
20 opened at noon.

21 The bill also provides that a voter is allowed to vote in  
22 person at the county commissioner's office until noon on the  
23 Monday before an election.



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House Study Bill 118 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to vaccine administration by licensed  
2 pharmacists.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ad/nh



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H.F. \_\_\_\_\_

1     Section 1. **NEW SECTION. 155A.44 Vaccine administration.**  
2     1. In accordance with rules adopted by the board, a licensed  
3 pharmacist may administer vaccines pursuant to this section.  
4     2. The board shall adopt rules requiring pharmacists to  
5 complete training and establish protocols for the prescription  
6 and administration of vaccines. The rules shall allow a  
7 licensed pharmacist who has completed the required training  
8 to administer vaccines in accordance with the rules of the  
9 board. The board may adopt rules relating to the reporting of  
10 the administration of vaccines to a patient's primary health  
11 care provider, primary physician, or a statewide immunization  
12 registry or health information exchange.  
13     3. A licensed pharmacist shall only administer the  
14 following vaccines to the following age categories:  
15     a. Vaccination of patients ages six through ten shall  
16 be limited to vaccines or immunizations for influenza, Tdap  
17 (tetanus, diphtheria, acellular pertussis), and other emergency  
18 immunizations or vaccines in response to a public health  
19 emergency.  
20     b. Vaccination of patients ages eleven through seventeen  
21 shall be limited to vaccines or immunizations for influenza,  
22 Tdap (tetanus, diphtheria, acellular pertussis), human papilloma  
23 virus, meningococcal disease, and other emergency immunizations  
24 or vaccines in response to a public health emergency.  
25     c. Patients ages eighteen and older may choose to receive a  
26 vaccination administered by a licensed pharmacist for any of  
27 the following:  
28         (1) A vaccination described in paragraph "b".  
29         (2) An immunization recommended by the United States  
30 centers for disease control and prevention advisory committee  
31 on immunization practices in its approved vaccination schedule  
32 for adults.  
33         (3) A vaccine recommended by the United States centers for  
34 disease control and prevention for international travel.

35                                   EXPLANATION

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H.F. \_\_\_\_\_

1 This bill allows licensed pharmacists to administer  
2 vaccines. The bill provides that the board of pharmacy must  
3 adopt rules requiring pharmacists to complete training and  
4 establish protocols for the prescription and administration of  
5 vaccines. The rules shall allow a licensed pharmacist who has  
6 completed required training to administer vaccines as provided  
7 by rule. The bill also allows the board to adopt rules about  
8 the reporting of vaccine administration to a patient's primary  
9 health care provider, primary physician, or a statewide  
10 immunization registry or health information exchange.

11 A licensed pharmacist allowed to administer vaccines  
12 under the bill is limited to specific vaccines for certain  
13 age groups. A licensed pharmacist may administer vaccines  
14 or immunizations for influenza, Tdap (tetanus, diphtheria,  
15 acellular pertussis), and emergency immunizations or vaccines  
16 in response to a public health emergency for patients aged 6  
17 through 10. A licensed pharmacist may administer immunizations  
18 or vaccines for influenza, Tdap, human papilloma virus (HPV),  
19 meningococcal disease, and emergency immunizations or vaccines  
20 in response to a public health emergency for patients aged  
21 11 through 17. A patient aged 18 or older may choose to  
22 receive an immunization or vaccine from a licensed pharmacist  
23 for influenza, Tdap, HPV, meningococcal disease, a vaccine  
24 or immunization in response to a public health emergency,  
25 an immunization recommended by the United States centers  
26 for disease control and prevention advisory committee on  
27 immunization practices in its approved vaccination schedule for  
28 adults, or vaccines recommended by the United States centers  
29 for disease control and prevention for international travel.



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Senate Concurrent Resolution 4 - Introduced

SENATE CONCURRENT RESOLUTION NO. 4

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A Concurrent Resolution relating to the compensation  
2 of chaplains, officers, and employees of the  
3 eighty-fifth general assembly.

4 WHEREAS, section 2.11 of the Code provides that "The  
5 compensation of the chaplains, officers, and employees  
6 of the general assembly shall be fixed by joint action  
7 of the house and senate by resolution at the opening of  
8 each session, or as soon thereafter as conveniently can  
9 be done."; NOW THEREFORE,

10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
11 REPRESENTATIVES CONCURRING, That the compensation of  
12 the employees of the eighty-fifth general assembly is  
13 set, effective from January 14, 2013, until January 12,  
14 2015, in accordance with the following salary schedule:

15	#9				
16	\$18,179.20				
17	8.74				
18	#10	#11	#12	#13	#14
19	\$19,177.60	\$20,196.80	\$21,174.40	\$22,235.20	\$23,400.00
20	9.22	9.71	10.18	10.69	11.25
21	#15	#16	#17	#18	#19
22	\$24,648.00	\$25,916.80	\$27,019.20	\$28,392.00	\$29,660.80
23	11.85	12.46	12.99	13.65	14.26
24	#20	#21	#22	#23	#24
25	\$31,200.00	\$32,572.80	\$34,195.20	\$35,880.00	\$37,481.60
26	15.00	15.66	16.44	17.25	18.02
27	#25	#26	#27	#28	#29
28	\$39,395.20	\$41,225.60	\$43,222.40	\$45,344.00	\$47,486.40



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1	18.94	19.82	20.78	21.80	22.83
2	#30	#31	#32	#33	#34
3	\$49,774.40	\$52,249.60	\$54,662.40	\$57,324.80	\$59,987.20
4	23.93	25.12	26.28	27.56	28.84
5	#35	#36	#37	#38	#39
6	\$62,878.40	\$65,873.60	\$69,097.60	\$72,363.20	\$75,920.00
7	30.23	31.67	33.22	34.79	36.50
8	#40	#41	#42	#43	#44
9	\$79,560	\$83,387.20	\$87,464.00	\$91,520.00	\$96,012.80
10	38.25	40.09	42.05	44.00	46.16
11	#45	#46	#47	#48	#49
12	\$100,609.60	\$105,393.60	\$110,427.20	\$115,731.20	\$121,284.80
13	48.37	50.67	53.09	55.64	58.31
14	#50	#51			
15	\$127,192.00	\$133,265.60			
16	61.15	64.07			

17 In this schedule, each numbered block shall be  
18 the yearly and hourly compensation for the pay grade  
19 of the number heading the block. Within each grade  
20 there shall be eight steps numbered "1" through "8".  
21 In the above schedule the steps for all grades are  
22 determined in the following manner. Each numbered  
23 block is counted as the "1" step for that grade. The  
24 next higher block is counted as the "2" step; the next  
25 higher block is the "3" step; the next higher block is  
26 the "4" step; the next higher block is the "5" step;  
27 the next higher block is the "6" step; the next higher  
28 block is the "7" step; and the next higher block plus  
29 2.5% is the "8" step.

30 Alternatively, the senate rules and administration

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1 committee for senate employees, and the house  
2 administration and rules committee for house employees  
3 may allow their employees' compensation to be flexibly  
4 set anywhere between steps "1" through "8" for an  
5 employee's prescribed pay grade.

6 All employees shall be available to work daily  
7 until completion of the senate's and house of  
8 representatives' business. The employee's division  
9 supervisor shall schedule all employees' working hours  
10 to, as far as possible, maintain regular working hours.

11 All employees, other than those designated "part-  
12 time", shall be compensated for 40 hours of work in  
13 a one-week pay period. Secretaries to senators and  
14 representatives are presumed to have 32 hours of work  
15 each week the legislature is in session and shall  
16 be paid only on that basis. Full-time employees  
17 who are required to work in excess of 80 hours in a  
18 two-week pay period shall be allowed compensatory time  
19 off at a rate of one hour for each hour of overtime  
20 up to a maximum of 120 hours of compensatory time.  
21 Joint security employees of the senate and house of  
22 representatives may be compensated for each hour of  
23 overtime at a rate of pay equal to one-and-one-half  
24 times the hourly pay provided.

25 BE IT FURTHER RESOLVED, That part-time employees  
26 shall be compensated at the scheduled hourly rate for  
27 their pay grade and step.

28 BE IT FURTHER RESOLVED, That in the event the  
29 salary schedule for employees of the State of Iowa  
30 as promulgated by the department of administrative

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1 services pursuant to section 8A.413, subsection 3, is  
2 revised upward at any time during the eighty-fifth  
3 general assembly, such revised schedule shall  
4 simultaneously be adopted for the compensation of the  
5 employees of the eighty-fifth general assembly assigned  
6 a grade by this resolution, unless otherwise provided  
7 by the senate and house of representatives.

8 BE IT FURTHER RESOLVED, That adjustments in  
9 the positions and compensation listed in this  
10 resolution may be made through an interim review of  
11 all legislative employees for internal equity and to  
12 assure compliance with appropriate legal standards  
13 for granting of overtime and compensatory time off.  
14 Such review shall be conducted by a legislative  
15 committee made up of members of the service committee  
16 of legislative council and the appropriate salary  
17 subcommittees of the senate and house. Only one such  
18 review may be done in any fiscal year and adjustments  
19 suggested must be approved by the appropriate hiring  
20 body.

21 BE IT FURTHER RESOLVED, That the employees of  
22 the eighty-fifth general assembly be placed in the  
23 following pay grades:

24 EMPLOYEES OF THE HOUSE  
25 Chief Clerk of the House.....Grade 44  
26 Sr. Assistant Chief Clerk of the House.....Grade 41  
27 Assistant Chief Clerk of the House III.....Grade 38  
28 Assistant Chief Clerk of the House II.....Grade 35  
29 Assistant Chief Clerk of the House I.....Grade 32  
30 Legal Counsel II.....Grade 35

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1 Legal Counsel I.....	Grade 32
2 Legal Counsel.....	Grade 30
3 Sr. Caucus Staff Director.....	Grade 41
4 Caucus Staff Director.....	Grade 38
5 Sr. Deputy Caucus Staff Director.....	Grade 39
6 Deputy Caucus Staff Director.....	Grade 36
7 Administrative Assistant to Leader or	
8 Speaker.....	Grade 27
9 Administrative Assistant I to Leader or	
10 Speaker.....	Grade 29
11 Administrative Assistant II to Leader or	
12 Speaker.....	Grade 32
13 Administrative Assistant III to Leader or	
14 Speaker.....	Grade 35
15 Sr. Administrative Assistant to Leader or	
16 Speaker I.....	Grade 38
17 Sr. Administrative Assistant to Leader or	
18 Speaker II.....	Grade 41
19 Research Assistant.....	Grade 24
20 Legislative Research Analyst.....	Grade 27
21 Legislative Research Analyst I.....	Grade 29
22 Legislative Research Analyst II.....	Grade 32
23 Legislative Research Analyst III.....	Grade 35
24 Sr. Legislative Research Analyst.....	Grade 38
25 Assistant Secretary to Leader or Speaker.....	Grade 18
26 Secretary to Leader or Speaker.....	Grade 19
27 Caucus Secretary.....	Grade 21
28 Senior Caucus Secretary.....	Grade 24
29 Administrative Secretary to Leader, Speaker,	
30 or Chief Clerk.....	Grade 21

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1 Executive Secretary to Leader, Speaker or	
2 Chief Clerk.....	Grade 24
3 Confidential Secretary to Leader, Speaker,	
4 or Chief Clerk.....	Grade 27
5 Clerk to Chief Clerk.....	Grade 16
6 Supervisor of Secretaries.....	Grade 21
7 Supervisor of Secretaries I.....	Grade 24
8 Supervisor of Secretaries II.....	Grade 27
9 Sr. Administrative Services Officer.....	Grade 35
10 Administrative Services Officer III.....	Grade 32
11 Administrative Services Officer II.....	Grade 29
12 Administrative Services Officer I.....	Grade 26
13 Administrative Services Officer.....	Grade 23
14 Administrative Services Assistant.....	Grade 20
15 Senior Editor.....	Grade 30
16 Editor II.....	Grade 25
17 Editor I.....	Grade 22
18 Assistant Editor.....	Grade 19
19 Compositor/Desk Top Specialist.....	Grade 17
20 Sr. Text Processor.....	Grade 25
21 Text Processor II.....	Grade 22
22 Text Processor I.....	Grade 19
23 Senior Finance Officer III.....	Grade 38
24 Senior Finance Officer II.....	Grade 35
25 Senior Finance Officer I.....	Grade 31
26 Finance Officer II.....	Grade 27
27 Finance Officer I.....	Grade 24
28 Assistant Finance Officer.....	Grade 21
29 Recording Clerk II.....	Grade 24
30 Recording Clerk I.....	Grade 21

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1	Assistant Legal Counsel I.....	Grade 30
2	Assistant Legal Counsel.....	Grade 27
3	Engrossing & Enrolling Processor.....	Grade 27
4	Assistant to the Legal Counsel.....	Grade 19
5	Senior Indexer.....	Grade 28
6	Indexer II.....	Grade 25
7	Indexer I.....	Grade 22
8	Indexing Assistant.....	Grade 19
9	Supply Clerk.....	Grade 16
10	Switchboard Operator.....	Grade 14
11	Legislative Secretary.....	Grade 15
12	Legislative Committee Secretary.....	Grade 17
13	Bill Clerk.....	Grade 14
14	Assistant Bill Clerk.....	Grade 12
15	Postmaster.....	Grade 12
16	Sergeant-at-Arms II.....	Grade 20
17	Sergeant-at-Arms I.....	Grade 17
18	Assistant Sergeant-at-Arms.....	Grade 14
19	Chief Doorkeeper.....	Grade 12
20	Doorkeepers.....	Grade 11
21	Pages.....	Grade 9
22	EMPLOYEES OF THE SENATE	
23	Secretary of the Senate.....	Grade 44
24	Sr. Assistant Secretary of the Senate.....	Grade 41
25	Assistant Secretary of the Senate III.....	Grade 38
26	Assistant Secretary of the Senate II.....	Grade 35
27	Assistant Secretary of the Senate I.....	Grade 32
28	Legal Counsel II.....	Grade 35
29	Legal Counsel I.....	Grade 32
30	Legal Counsel.....	Grade 30

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1	Sr. Caucus Staff Director.....	Grade 41
2	Caucus Staff Director.....	Grade 38
3	Sr. Deputy Caucus Staff Director.....	Grade 39
4	Deputy Caucus Staff Director.....	Grade 36
5	Administrative Assistant to Leader	
6	or President.....	Grade 27
7	Administrative Assistant I to Leader	
8	or President.....	Grade 29
9	Administrative Assistant II to Leader	
10	or President.....	Grade 32
11	Administrative Assistant III to Leader	
12	or President.....	Grade 35
13	Sr. Administrative Assistant to Leader	
14	or President I.....	Grade 38
15	Sr. Administrative Assistant to Leader	
16	or President II.....	Grade 41
17	Research Assistant.....	Grade 24
18	Legislative Research Analyst.....	Grade 27
19	Legislative Research Analyst I.....	Grade 29
20	Legislative Research Analyst II.....	Grade 32
21	Legislative Research Analyst III.....	Grade 35
22	Sr. Legislative Research Analyst.....	Grade 38
23	Caucus Secretary II.....	Grade 21
24	Senior Caucus Secretary.....	Grade 24
25	Secretary to Leader, President, or	
26	Caucus.....	Grade 18
27	Administrative Secretary to Leader,	
28	President, or Secretary of the Senate.....	Grade 21
29	Executive Secretary to Leader, President,	
30	or Secretary of the Senate.....	Grade 24

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1 Confidential Secretary to Leader, President,	
2 or Secretary of the Senate.....	Grade 27
3 Supervisor of Secretaries.....	Grade 21
4 Supervisor of Secretaries I.....	Grade 24
5 Supervisor of Secretaries II.....	Grade 27
6 Sr. Administrative Services Officer.....	Grade 35
7 Administrative Services Officer III.....	Grade 32
8 Administrative Services Officer II.....	Grade 29
9 Administrative Services Officer I.....	Grade 26
10 Administrative Services Officer.....	Grade 23
11 Administrative Services Assistant.....	Grade 20
12 Senior Editor.....	Grade 30
13 Editor II.....	Grade 25
14 Editor I.....	Grade 22
15 Assistant Editor.....	Grade 19
16 Compositor/Desk Top Specialist.....	Grade 17
17 Assistant Legal Counsel I.....	Grade 30
18 Assistant Legal Counsel.....	Grade 27
19 Assistant to the Legal Counsel.....	Grade 19
20 Proofreader.....	Grade 16
21 Senior Finance Officer III.....	Grade 38
22 Senior Finance Officer II.....	Grade 35
23 Senior Finance Officer I.....	Grade 13
24 Finance Officer II.....	Grade 27
25 Finance Officer I.....	Grade 24
26 Assistant Finance Officer.....	Grade 21
27 Recording Clerk II.....	Grade 24
28 Recording Clerk I.....	Grade 21
29 Senior Indexer.....	Grade 28
30 Indexer II.....	Grade 25

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1	Indexer I.....	Grade 22
2	Indexing Assistant.....	Grade 19
3	Records and Supply Clerk.....	Grade 18
4	Switchboard Operator.....	Grade 14
5	Legislative Secretary.....	Grade 15
6	Legislative Committee Secretary.....	Grade 17
7	Bill Clerk.....	Grade 14
8	Assistant Bill Clerk.....	Grade 12
9	Postmaster.....	Grade 12
10	Sergeant-at-Arms II.....	Grade 20
11	Sergeant-at-Arms I.....	Grade 17
12	Assistant Sergeant-at-Arms.....	Grade 14
13	Chief Doorkeeper.....	Grade 12
14	Doorkeepers.....	Grade 11
15	Pages.....	Grade 9
16	JOINT SENATE/HOUSE EMPLOYEES	
17	Facilities Manager I.....	Grade 35
18	Facilities Manager II.....	Grade 38
19	Sr. Facilities Manager.....	Grade 41
20	Legislative Security Coordinator I.....	Grade 23
21	Legislative Security Coordinator II.....	Grade 26
22	Legislative Security Officer I.....	Grade 20
23	Legislative Security Officer II.....	Grade 23
24	Conservation/Restoration Specialist I.....	Grade 28
25	Conservation/Restoration Specialist II.....	Grade 31
26	Sr. Legislative Lobbyist Clerk.....	Grade 24
27	Legislative Lobbyist Clerk.....	Grade 21
28	Sr. Copy Center Operator.....	Grade 21
29	Copy Center Operator.....	Grade 18
30	BE IT FURTHER RESOLVED, That there shall be four	

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1 classes of appointments as employees of the general  
2 assembly:

3 A "permanent full-time" or "permanent part-time"  
4 employee is one who is employed the year around and  
5 eligible to receive state benefits.

6 An "exempt full-time" employee is one who is  
7 employed for only a portion of the year, usually the  
8 period of the legislative sessions with extensions  
9 post-session and pre-session as scheduled. This class  
10 is eligible to receive state benefits with the cost of  
11 benefits to the state to be paid, using accrued leave  
12 if authorized, by the employee when not on the payroll.

13 A "session-only" employee is one who is employed for  
14 only a portion of the year, usually the legislative  
15 session. This class is not eligible for state  
16 benefits, except IPERS, and insurance as provided in  
17 section 2.40.

18 A "part-time" employee is one who is employed to  
19 work less than 40 hours per week. This class is not  
20 eligible for state benefits, except IPERS if eligible.

21 BE IT FURTHER RESOLVED, That the exact  
22 classification for individuals in a job series  
23 created by this resolution shall be set or changed for  
24 senate employees by the senate rules and administration  
25 committee and for the house employees by the house  
26 administration and rules committee. The committees  
27 shall base the classification upon the following  
28 factors:

29 1. The extent of formal education required of the  
30 position; and,

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1 2. The extent of the responsibilities to be  
2 assigned to the position; and,

3 3. The amount of supervision placed over the  
4 position; and,

5 4. The number of persons the position is assigned  
6 to supervise and skills and responsibilities of those  
7 positions supervised.

8 The committees shall report the exact  
9 classifications assigned to each individual on the  
10 next legislative day, or, if such action is during  
11 the interim, on the first day the senate or house  
12 shall convene. Any action by the senate or house to  
13 disapprove a report or a portion of a report shall be  
14 effective the day after the action.

15 Recommendations for a pay grade for a new position  
16 shall be developed in accordance with the factor scores  
17 in the comparable worth report. Every four years the  
18 senate rules and administration committee, the house  
19 administration and rules committee, and the legislative  
20 council may review all positions in the legislative  
21 branch to assure conformity to comparable worth.

22 BE IT FURTHER RESOLVED, That a senator or  
23 representative may employ a secretary who in the  
24 judgment of the senator or representative employing  
25 such person, possesses the necessary skills to perform  
26 the duties such senator or representative shall  
27 designate, under the administrative direction, as  
28 appropriate, of the secretary of the senate or the  
29 chief clerk of the house.

30 Each standing committee chairperson, ethics

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1 committee chairperson, and each appropriations  
2 subcommittee chairperson shall designate a secretary  
3 who is competent to perform the following duties:  
4 prepare committee minutes, committee reports, type  
5 committee correspondence, maintain committee records,  
6 and otherwise assist the committee. Such duties  
7 shall be performed in accordance with standards which  
8 shall be provided by the secretary of the senate and  
9 chief clerk of the house. In making the designation,  
10 chairpersons shall consider persons for possible  
11 designation as the secretary to the committee in the  
12 following order:

13 First: The secretary to the chairperson.

14 Second: The secretary to the committee's  
15 vice-chairperson.

16 Third: The secretary to any other member of the  
17 committee.

18 Fourth: The secretary to any other member in the  
19 same house as the committee.

20 BE IT FURTHER RESOLVED, That a Legal Counsel II  
21 shall be a person who has graduated from an accredited  
22 school of law and is admitted to practice in Iowa as  
23 an Attorney and Counselor at Law and possesses either  
24 a Masters of Law degree or has at least two years of  
25 legal experience after admission to practice.

26 A Legal Counsel I shall be a person who has  
27 graduated from an accredited school of law and is  
28 admitted to practice in Iowa as an Attorney and  
29 Counselor at Law.

30 BE IT FURTHER RESOLVED, That employees of the

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1 general assembly may be eligible for either:

2 1. Increases in salary grade or step based on  
3 evaluation of their job performance and recommendations  
4 of their administrative officers, subject to approval  
5 of the senate committee on rules and administration  
6 or the house committee on administration and rules, as  
7 appropriate or

8 2. Mobility within a pay grade at the discretion  
9 of the chief clerk of the house upon recommendation by  
10 the employee's division supervisor on the part of the  
11 house, and the discretion of the employee's division  
12 supervisor on the part of the senate, subject to the  
13 approval of the house committee on administration  
14 and rules or the senate committee on rules and  
15 administration, as appropriate — either in accord with  
16 a flexible pay plan approved by the senate rules and  
17 administration committee or the house administration  
18 and rules committee, or in accord with the following  
19 schedule:

20 (a) Progression from step "1" to "2" for a newly  
21 hired employee — six months of actual employment.

22 (b) Progression from step "1" to "2" following  
23 promotion within a job series — twelve months of  
24 actual employment in that position.

25 (c) Progression from step "2" to "3", and step "3"  
26 to "4", and step "4" to "5", and step "5" to "6", and  
27 step "6" to "7", and step "7" to "8" — twelve months  
28 of actual employment at the lower step.

29 BE IT FURTHER RESOLVED, That in addition to the  
30 steps provided in the preceding paragraph, that

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1 secretaries to senators and representatives who were  
2 employees of the senate or house of representatives  
3 during any general assembly prior to January 9, 1989,  
4 and who have received certification for passing a  
5 typing and shorthand performance examination shall be  
6 eligible for two additional steps.

7 BE IT FURTHER RESOLVED, That in addition to the  
8 steps provided in the preceding paragraph, that  
9 secretaries to senators and representatives shall  
10 be eligible for a maximum of three additional grades  
11 beyond grade 15, in any combination, as provided in  
12 this paragraph:

13 1. One additional grade for a secretary to a  
14 standing committee chair, ethics committee chair  
15 or appropriations subcommittee chair who is not the  
16 designated committee secretary.

17 2. One additional grade for a secretary to a vice-  
18 chairperson or ranking member of a standing committee,  
19 ethics committee or appropriations subcommittee.

20 3. One additional grade for a secretary to the  
21 chairperson of the chaplain's committee.

22 4. Two additional grades for a secretary to an  
23 assistant floor leader or speaker pro tempore or  
24 president pro tempore.

25 5. One additional grade for a designated committee  
26 secretary who is also the designated committee  
27 secretary for an additional standing committee, ethics  
28 committee, or appropriations subcommittee.

29 BE IT FURTHER RESOLVED, That in the event the  
30 secretary to the chairperson of the chaplain's

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1 committee is the secretary to the president, president  
2 pro tempore, speaker, speaker pro tempore, or the  
3 majority or minority leader, such secretary shall  
4 receive one additional step.

5 BE IT FURTHER RESOLVED, That the entrance salary for  
6 employees of the general assembly shall be at step 1 in  
7 the grade of the position held. Such employee may be  
8 hired above the entrance step if possessing outstanding  
9 and unusual experience for the position. Such employee  
10 who is hired above the entrance step shall be mobile  
11 above that step in the same period of time as other  
12 employees in that same step. An officer or employee  
13 who is moved to another position may be considered for  
14 partial or full credit for their experience in the  
15 former position in determining the step in the new  
16 grade.

17 The entry level for the position of research  
18 analyst shall be Legislative Research Analyst, unless  
19 extraordinary conditions justify increasing that entry  
20 level.

21 BE IT FURTHER RESOLVED, That a pay increase for  
22 employees of one step within the pay grade for the  
23 position may be made for exceptionally meritorious  
24 service in addition to step increases provided  
25 for in this resolution, at the discretion of the  
26 chief clerk upon recommendation by the employee's  
27 division supervisor on the part of the house, and upon  
28 recommendation by the employee's division supervisor on  
29 the part of the senate, and the approval of the senate  
30 committee on rules and administration or the house

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1 committee on administration and rules. Exceptionally  
2 meritorious service pay increases shall be governed by  
3 the following:

4 a. The employee must have served in the position  
5 for at least twelve months;

6 b. Written justification, setting forth in detail  
7 the nature of the exceptionally meritorious service  
8 rendered, must be submitted to the senate rules and  
9 administration committee or house administration and  
10 rules committee and approved in advance of granting the  
11 pay increase;

12 c. No more than one exceptionally meritorious  
13 service pay increase may be granted in any twelve-  
14 month period.

15 d. Such meritorious service pay increase shall  
16 not be granted beyond the eight-step maximum for that  
17 position.

18 BE IT FURTHER RESOLVED, That the senate rules and  
19 administration committee and the house administration  
20 and rules committee shall both hire officers and  
21 employees for their respective bodies and fill any  
22 vacancies which may occur, to be effective at such time  
23 as they shall set. The committee shall report the  
24 names of those it has hired for the positions specified  
25 in this resolution or the filling of any vacancies on  
26 the next legislative day or, if such action is during  
27 the interim, on the first day the senate or house shall  
28 convene. Any action by the senate or house to amend or  
29 disapprove a report or a portion of a report shall be  
30 effective the day after the action.

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1 The chief clerk of the house shall submit to the  
2 house committee on administration and rules and  
3 the secretary of the senate shall submit to the  
4 senate committee on rules and administration the  
5 list of names, or amendments thereto, of employee  
6 classifications and recommended pay step for each  
7 officer and employee. Such list shall include  
8 recommendations for the pay step for all employees.  
9 Each respective committee shall approve or amend the  
10 list of recommended classifications and pay steps and  
11 publish said list in the journal.

12 BE IT FURTHER RESOLVED, That permanent employees of  
13 the general assembly shall receive vacation allowances,  
14 sick leave, health and accident insurance, life  
15 insurance, and disability income insurance as are  
16 comparably provided for full-time permanent state  
17 employees. The computations shall be maintained by the  
18 finance officers in each house and coordinated with the  
19 department of administrative services.

20 BE IT FURTHER RESOLVED, That should any employee  
21 have a grievance, the grievance shall be resolved as  
22 provided by procedures determined by the senate rules  
23 and administration committee for senate employees or  
24 the house administration and rules committee for house  
25 employees.

26 BE IT FURTHER RESOLVED, That the legislative  
27 council take action to provide the same compensation  
28 and benefits to all legislative central staff agency  
29 employees for the eighty-fifth general assembly as  
30 is provided by this resolution. The director of

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1 each legislative central staff agency shall report  
2 to the chief clerk of the house and the secretary  
3 of the senate the list of approved positions for  
4 their agencies and the names, grades and steps of  
5 each employee. Such lists shall be published in the  
6 journals of the house and the senate within two weeks  
7 after the adoption of this resolution by both houses.  
8 BE IT FURTHER RESOLVED, That the compensation of  
9 chaplains officiating at the opening of the daily  
10 sessions of the house of representatives and the  
11 senate of the eighty-fifth general assembly be fixed  
12 at ten dollars for each house of the general assembly,  
13 and that mileage to and from the State Capitol for  
14 chaplains be fixed at the rate established for members  
15 of the general assembly.



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**Senate File 163 - Introduced**

SENATE FILE 163  
BY BOLKCOM

**A BILL FOR**

1 An Act relating to an assault that occurs between persons in  
2 an intimate relationship and the crime of domestic abuse  
3 assault and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2166XS (1) 85  
rh/rj





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S.F. 163

1 Section 1. Section 708.2A, subsection 1, Code 2013, is  
2 amended to read as follows:

3 1. For the purposes of this chapter, *"domestic abuse*  
4 *assault"* means an assault, as defined in section 708.1, which  
5 is domestic abuse as defined in section 236.2, subsection 2,  
6 paragraph *"a"*, *"b"*, *"c"*, ~~or~~ *"d"*, or *"e"*.

7 EXPLANATION

8 This bill relates to an assault that occurs between persons  
9 in an intimate relationship and the crime of domestic abuse  
10 assault.

11 The bill includes an assault, as defined in Code section  
12 708.1, that occurs between persons who are in an intimate  
13 relationship or who have been in an intimate relationship and  
14 who have had contact within the past year of the assault,  
15 in the definition of domestic abuse assault pursuant to Code  
16 section 708.2A. In determining whether persons are or have  
17 been in an intimate relationship, the court may consider the  
18 duration of the relationship, the frequency of interaction,  
19 whether the relationship has been terminated, and the nature of  
20 the relationship, characterized by either party's expectation  
21 of sexual or romantic involvement.

22 A person who commits domestic abuse assault commits a simple  
23 misdemeanor, a serious misdemeanor, an aggravated misdemeanor,  
24 or a class "D" felony depending upon the circumstances  
25 involved in the offense. A simple misdemeanor is punishable  
26 by confinement for no more than 30 days or a fine of at least  
27 \$65 but not more than \$625 or by both; a serious misdemeanor  
28 is punishable by confinement for no more than one year and a  
29 fine of at least \$315 but not more than \$1,875; an aggravated  
30 misdemeanor is punishable by confinement for no more than two  
31 years and a fine of at least \$625 but not more than \$6,250; and  
32 a class "D" felony is punishable by confinement for no more  
33 than five years and a fine of at least \$750 but not more than  
34 \$7,500.



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**Senate File 164 - Introduced**

SENATE FILE 164  
BY BOLKCOM

**A BILL FOR**

1 An Act relating to the opening of a door on the side of a  
2 vehicle available to moving traffic and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2045XS (3) 85  
dea/nh



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S.F. 164

1 Section 1. NEW SECTION. 321.362A Opening and closing  
2 vehicle doors.

3 1. A person shall not open a door on a vehicle on the side  
4 available to moving traffic unless it is reasonably safe to do  
5 so and can be done without interfering with the movement of  
6 such traffic. A person shall not leave a door open on the side  
7 of a vehicle available to moving traffic for a period of time  
8 longer than necessary to load or unload passengers.

9 2. This section does not apply to a member of a public  
10 safety agency, as defined in section 34.1, performing official  
11 duties.

12 3. A person convicted of a violation of this section is  
13 guilty of a simple misdemeanor punishable as a scheduled  
14 violation under section 805.8A, subsection 14, paragraph "m".

15 Sec. 2. Section 805.8A, subsection 14, Code 2013, is amended  
16 by adding the following new paragraph:

17 NEW PARAGRAPH. m. *Open vehicle door violations.* For  
18 violations under section 321.362A, the scheduled fine is one  
19 hundred dollars.

20 EXPLANATION

21 This bill adds a new Code section that prohibits a person  
22 from opening a door on the side of a vehicle available to  
23 moving traffic unless it is reasonably safe to do so and can  
24 be done without interfering with the movement of traffic. In  
25 addition, a person is prohibited from leaving a door open on  
26 the side of a vehicle available to moving traffic for longer  
27 than it takes to load or unload passengers. The new provision  
28 is modeled after a provision in the uniform vehicle code  
29 published by the national committee on uniform traffic laws and  
30 ordinances.

31 Members of public safety agencies are exempt from the  
32 provisions of the bill when performing official duties.  
33 Pursuant to current law, a functional unit of a public agency  
34 that provides fire fighting, law enforcement, ambulance,  
35 medical, or other emergency services is a "public safety

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dea/nh

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1 agency".

2 A person who violates the provisions of the bill is guilty of  
3 a simple misdemeanor punishable by a scheduled fine of \$100.



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**Senate File 165 - Introduced**

SENATE FILE 165  
BY HOGG

**A BILL FOR**

1 An Act relating to water usage, making appropriations, and  
2 including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1592XS (6) 85  
tm/nh



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S.F. 165

1 Section 1. Section 455B.263, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 10. The commission shall require each  
4 permittee to submit an annual report to the department  
5 estimating the total water usage under the permit for the  
6 twelve months prior to report submission, and the estimated  
7 water supply projected to be available under the permit for  
8 the twelve months following the submission of the report. The  
9 commission may require more frequent reporting from a permittee  
10 if an event described in section 455B.266, subsection 1,  
11 occurs.

12 Sec. 2. Section 455B.266, subsection 2, Code 2013, is  
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. *0c.* Uses of water for manufacturing or other  
15 industrial processes if not related to food production, human  
16 health, or national security.

17 Sec. 3. Section 455B.266, subsection 2, paragraph e, Code  
18 2013, is amended to read as follows:

19 *e.* Uses of water for manufacturing or other industrial  
20 processes if related to food production, human health, or  
21 national security.

22 Sec. 4. Section 455B.298, Code 2013, is amended by adding  
23 the following new subsection:

24 NEW SUBSECTION. 7. Require each water system in the state  
25 to submit an annual report to the department estimating the  
26 total water usage during the previous twelve months, and the  
27 estimated water supply projected to be available for the twelve  
28 months following the submission of the report. The director  
29 may require more frequent reporting from a water system if an  
30 event described in section 455B.266, subsection 1, occurs.

31 Sec. 5. APPROPRIATION — EMERGENCY CONSERVATION MEASURES —  
32 EDUCATION. There is appropriated from the general fund of the  
33 state to the Iowa cooperative extension service in agriculture  
34 and home economics of Iowa state university for the fiscal year  
35 beginning July 1, 2012, and ending June 30, 2013, the following

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S.F. 165

1 amount, or so much thereof as is necessary, to be used for the  
2 purposes designated:

3 For the review and assistance in implementation of emergency  
4 conservation measures ordered pursuant to section 455B.266,  
5 and for educating the general public regarding effective  
6 water conservation measures, including salaries, support,  
7 maintenance, and miscellaneous purposes:

8 ..... \$ 200,000

9 Notwithstanding section 8.33, moneys appropriated in this  
10 section that remain unencumbered or unobligated at the close of  
11 the fiscal year shall not revert but shall remain available for  
12 expenditure for the purposes designated until the close of the  
13 succeeding fiscal year.

14 Sec. 6. APPROPRIATION — WATER PLANS. There is appropriated  
15 from the general fund of the state to the department of natural  
16 resources for the fiscal year beginning July 1, 2012, and  
17 ending June 30, 2013, the following amount, or so much thereof  
18 as is necessary, to be used for the purposes designated:

19 For updating plans required under section 455B.262, which  
20 shall include plans for droughts including conditions that  
21 would necessitate the implementation of priority allocation  
22 plans under section 455B.266, including salaries, support,  
23 maintenance, and miscellaneous purposes:

24 ..... \$ 500,000

25 Notwithstanding section 8.33, moneys appropriated in this  
26 section that remain unencumbered or unobligated at the close of  
27 the fiscal year shall not revert but shall remain available for  
28 expenditure for the purposes designated until the close of the  
29 succeeding fiscal year.

30 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
31 immediate importance, takes effect upon enactment.

32 EXPLANATION

33 This bill relates to water usage.

34 The bill creates an annual reporting requirement relating  
35 to estimated water usage and estimated water supply for water

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1 systems in the state and for permittees for the diversion,  
2 storage, and usage of water. The commission may require more  
3 frequent reporting from a water system or permittee if certain  
4 water shortage-related events occur.

5 The bill amends the prioritization of water usage during  
6 restrictions on or suspensions of water use in relation to uses  
7 for manufacturing or other industrial processes.

8 The bill appropriates moneys from the general fund of the  
9 state to the Iowa cooperative extension service in agriculture  
10 and home economics of Iowa state university for FY 2012-2013  
11 for the review and assistance in implementation of emergency  
12 conservation measures and for educating the general public  
13 regarding effective water conservation measures. The bill  
14 appropriates moneys to the department of natural resources for  
15 FY 2012-2013 for updating certain water plans, which shall  
16 include plans for droughts including conditions that would  
17 necessitate the implementation of priority allocation plans.

18 The bill takes effect upon enactment.





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**Senate File 166 - Introduced**

SENATE FILE 166

BY BEHN, CHAPMAN, HOUSER,  
GREINER, FEENSTRA, GUTH,  
ROZENBOOM, ANDERSON,  
BERTRAND, SEGEBART,  
JOHNSON, BREITBACH, ZAUN,  
SINCLAIR, WHITVER, ZUMBACH,  
SCHNEIDER, KAPUCIAN,  
SORENSEN, BOETTGER, and  
SMITH

**A BILL FOR**

1 An Act creating a negotiated rulemaking process.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1828XS (3) 85  
jr/rj



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S.F. 166

1 Section 1. **NEW SECTION. 17A.4B Negotiated rulemaking.**

2 1. An agency shall create a negotiated rulemaking group if  
3 required by statute. An agency may, on its own motion or upon  
4 request, create a negotiated rulemaking group if the agency  
5 determines that a negotiated rulemaking group can adequately  
6 represent the interests that will be significantly affected by  
7 a draft rule proposal and that it is feasible and appropriate  
8 in the particular rulemaking. Notice of the creation of a  
9 negotiated rulemaking group shall be published in the Iowa  
10 administrative bulletin. Upon establishing a negotiated  
11 rulemaking group, the agency shall also specify a time frame  
12 for group deliberations.

13 2. Unless otherwise provided by statute, the agency shall  
14 appoint a sufficient number of members to the group so that  
15 a fair cross section of interests and opinions regarding the  
16 draft rule proposal is represented. One person shall be  
17 appointed to represent the agency. The group shall select its  
18 own chairperson and adopt its rules of procedure. All meetings  
19 of the group shall be open to the public. A majority of the  
20 membership constitutes a quorum. Members shall not receive  
21 any per diem payment but shall be reimbursed for all necessary  
22 expenses. Any vacancy shall be filled in the same manner as  
23 the initial appointment.

24 3. Prior to the publication of a notice of intended action,  
25 the group shall consider the terms or substance of the rule  
26 proposed by the agency and shall attempt to reach a consensus  
27 on the advisability of adopting the draft rule proposal.

28 4. If a group reaches a consensus on a draft rule proposal,  
29 the group shall transmit to the agency a report containing the  
30 consensus on the draft rule proposal. If the group does not  
31 reach a consensus on a draft rule proposal within the specified  
32 time frame, the group shall transmit to the agency a report  
33 stating that inability to reach a consensus and specifying any  
34 areas in which the group reached a consensus. The group may  
35 include in a report any other information, recommendations,

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1 or materials that the group considers appropriate. Any group  
2 member may include as an addendum to the report additional  
3 information, recommendations, or materials. A report issued  
4 under this subsection shall not be considered final agency  
5 action for purposes of judicial review.

6 5. Unless otherwise provided by statute, following  
7 consideration of a draft rule proposal by a negotiated  
8 rulemaking group, the agency may commence rulemaking as  
9 provided in section 17A.4. The group is automatically  
10 abolished upon the agency's adoption of the rule pursuant to  
11 the provisions of section 17A.5.

12 EXPLANATION

13 If required by statute, this bill requires an agency to  
14 create an ad hoc negotiated rulemaking group to review draft  
15 rule proposals prior to commencing a rulemaking proceeding.  
16 Where a statute does not require this review, the bill allows  
17 an agency to create such a review group. Members are appointed  
18 by the agency and the composition must adequately represent a  
19 fair balance of the interests affected by the rule. Once such  
20 a group is created, the agency may only commence rulemaking  
21 after the group has considered the draft rule proposal in  
22 question. This provision is based on similar provisions found  
23 in the federal Administrative Procedures Act.



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**Senate File 167 - Introduced**

SENATE FILE 167

BY BEHN, CHAPMAN, HOUSER,  
GREINER, FEENSTRA, GUTH,  
ANDERSON, BERTRAND,  
SEGEBART, CHELGREN,  
ZAUN, SORENSON, WHITVER,  
KAPUCIAN, and BOETTGER

**A BILL FOR**

1 An Act creating the penalty of death for the commission of  
2 murder in the first degree, kidnapping, and sexual abuse  
3 against the same minor, providing a penalty, and including  
4 effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1697XS (5) 85  
jm/rj



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S.F. 167

1 Section 1. Section 13B.4, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 6A. The state public defender shall perform  
4 all of the following duties with respect to the appointment of  
5 counsel for indigent persons in cases in which a sentence of  
6 death may be or is to be imposed:

7 a. Provide or contract with attorneys for appointment as  
8 lead counsel and cocounsel to provide legal services in cases  
9 where a person is charged with murder in the first degree,  
10 kidnapping, and sexual abuse under section 902.15, and the  
11 state has given notice of intent to seek the death penalty or  
12 in cases in which a sentence of death is to be imposed.

13 b. Conduct or sponsor specialized training programs for  
14 attorneys representing persons who may be executed.

15 Sec. 2. NEW SECTION. 602.10112 **Qualifications of counsel**  
16 **in death penalty cases.**

17 The supreme court shall prescribe rules which establish  
18 minimum standards and procedures by which attorneys may become  
19 qualified to provide legal services as lead counsel in cases in  
20 which a sentence of death may be or is to be imposed.

21 Sec. 3. NEW SECTION. 812A.1 **Procedure to determine sanity**  
22 **of condemned inmate.**

23 1. At any time prior to execution of an inmate under section  
24 902.1, if the director of the department of corrections or  
25 the counsel for a person who is under a sentence of execution  
26 has cause to believe that the inmate is suffering from such  
27 a diseased or deranged condition of the mind as to prevent  
28 the defendant from knowing the nature and quality of the act  
29 the defendant has been convicted of, or from understanding  
30 that trial on the offense has taken place and that execution  
31 proceedings are about to take place, or to otherwise cause the  
32 defendant to lack the capacity to understand the sentence which  
33 has been imposed and to participate in any legal proceedings  
34 relating to the sentence, the director or counsel may file a  
35 request with the court that issued the warrant for execution

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1 for a determination of the inmate's sanity. If the district  
2 court determines that there is not sufficient reason to believe  
3 that the inmate is insane, the court shall enter an order  
4 denying the request and shall state the grounds for denying the  
5 request. If the court believes that there is sufficient reason  
6 to believe that the inmate is insane, the court shall suspend  
7 the execution and conduct a hearing to determine the sanity of  
8 the inmate.

9 2. At the hearing, the court shall determine the issue of  
10 the inmate's sanity. Prior to the hearing, the court shall  
11 appoint two licensed physicians or licensed psychologists, or  
12 one licensed physician and one licensed psychologist, who are  
13 qualified by training and practice, for purposes of conducting  
14 a psychiatric or psychological examination of the inmate. The  
15 physicians or psychologists shall examine the inmate and report  
16 any findings in writing to the court within ten days after  
17 the order of examination is issued. The inmate shall have  
18 the right to present evidence and cross-examine any witnesses  
19 at the hearing. Any statement made by the inmate during the  
20 course of any examination provided for in this section, whether  
21 or not the inmate consents to the examination, shall not be  
22 admitted into evidence against the inmate in any criminal  
23 proceeding for purposes other than a determination of the  
24 inmate's sanity.

25 3. If, at the conclusion of a hearing held pursuant to  
26 this section, the court determines that the inmate is sane,  
27 the court shall enter an order setting a date for the inmate's  
28 execution, which shall be carried into effect in the same  
29 manner as provided in the original sentence. A copy of the  
30 order shall be sent to the director of the department of  
31 corrections and the governor.

32 4. If, at the conclusion of a hearing held pursuant to this  
33 section, the court determines that the inmate is insane, the  
34 court shall suspend the execution until further order. At any  
35 time after issuance of the order, if the court has sufficient

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1 reason to believe that the inmate has become sane, the court  
2 shall again determine the sanity of the inmate as provided  
3 by this section. Proceedings pursuant to this section may  
4 continue to be held at such times as the court orders until  
5 it is either determined that the inmate is sane or incurably  
6 insane.

7 Sec. 4. NEW SECTION. 814.28 Review of death sentence.

8 1. In a case in which a sentence of death is imposed, the  
9 supreme court shall automatically review the judgment and  
10 sentence. The court's review of the case shall be de novo. The  
11 case shall not be transferred to the court of appeals.

12 2. A review by the supreme court of a judgment and sentence  
13 imposing the punishment of death has priority over all other  
14 criminal and other actions pending before the supreme court.

15 3. The supreme court shall review the trial and judgment,  
16 and shall separately review the sentencing proceeding. Upon  
17 determining that errors did not occur at the trial requiring  
18 reversal or modification of the judgment, the supreme court  
19 shall proceed to determine if the sentence of death is lawfully  
20 imposed. In its review of the sentencing proceeding the  
21 supreme court shall determine all of the following:

22 a. Whether the sentence of death was imposed capriciously or  
23 under the influence of prejudice or other arbitrary factor.

24 b. Whether the special verdicts returned under section  
25 901.11 are supported by the evidence.

26 c. Whether the sentence of death is excessive or  
27 disproportionate to the penalty imposed in similar cases,  
28 considering both the crime and the defendant.

29 4. If the supreme court determines that the sentence of  
30 death was not lawfully imposed, the court shall set aside the  
31 sentence and shall remand the case to the trial court for a  
32 second sentencing proceeding to determine if the imposition of  
33 death is warranted.

34 5. If the supreme court affirms the judgment and sentence  
35 of death, the clerk of the supreme court shall certify the

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1 judgment of the supreme court under the seal of the court to  
2 the clerk of the trial court.

3 Sec. 5. Section 815.10, Code 2013, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 1A. If two attorneys have not already  
6 been appointed pursuant to section 13B.4 or 13B.9, the court  
7 shall appoint, for each indigent person who is charged with  
8 murder, kidnapping, and sexual abuse under section 902.15, and  
9 in which a notice of intent to seek the death penalty has been  
10 filed, two attorneys who are qualified under section 602.10112  
11 to represent the person in the proceedings and in all state  
12 legal proceedings which take place from the time the person  
13 is indicted or arraigned until the person is sentenced on the  
14 charge. In addition, if at any point in federal postconviction  
15 proceedings an indigent person is not afforded court-appointed  
16 counsel, the state shall provide counsel to the person to  
17 present any claims determined meritorious by the federal court  
18 if the person is not otherwise represented by legal counsel.  
19 Only private attorneys and public defenders who are qualified  
20 to provide representation in cases in which the death penalty  
21 may be imposed are eligible for appointment or assignment to a  
22 case in which the death penalty may be imposed.

23 Sec. 6. NEW SECTION. 901.11 **Murder proceedings — request**  
24 **for death penalty — penalty proceedings.**

25 1. If a notice of intent to seek the death penalty has  
26 been filed, objections to the imposition of the death penalty  
27 based upon allegations that a defendant was intellectually  
28 disabled or mentally ill at the time of the commission of  
29 the offense shall be raised within the time provided for the  
30 filing of pretrial motions under rule of criminal procedure  
31 2.11, Iowa court rules. The court may, for good cause shown,  
32 allow late filing of the motion. Hearing on the motion shall  
33 be held prior to trial and the burden of proof shall be on the  
34 defendant to prove intellectual disability or mental illness  
35 by a preponderance of the evidence. However, a rebuttable

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1 presumption of intellectual disability arises if a defendant  
2 has an intelligence quotient of seventy or below. If the  
3 court finds that the defendant is intellectually disabled,  
4 the defendant, if convicted of murder, kidnapping, and sexual  
5 abuse under section 902.15, shall not be sentenced to death but  
6 shall be sentenced to life imprisonment in the manner provided  
7 in section 902.1, subsection 1. A finding by the court that  
8 the evidence presented by the defendant at the hearing does  
9 not preclude the imposition of the death penalty under this  
10 section and section 902.15 shall not preclude the introduction  
11 of evidence of intellectual disability or mental illness during  
12 the penalty proceeding. If the court finds that evidence of  
13 intellectual disability or mental illness does not preclude  
14 imposition of the death penalty, evidence of intellectual  
15 disability or mental illness may be reviewed by the jury in  
16 the penalty proceeding and the jury shall not be informed of  
17 the finding in the initial proceeding at any time during the  
18 penalty proceeding.

19 2. If at the trial on a charge of murder, kidnapping,  
20 and sexual abuse under section 902.15, the state intends to  
21 request that the death penalty be imposed under section 902.1,  
22 subsection 3, the prosecutor shall file a notice of intent  
23 to seek the death penalty, at the time of and as part of the  
24 information or indictment filed in the case.

25 3. If a notice of intent to seek the death penalty has been  
26 filed, the trial shall be conducted in bifurcated proceedings  
27 before the same trier of fact. During the initial proceeding,  
28 the jury, or the court, if the defendant waives the right to a  
29 jury trial, shall decide only whether the defendant is guilty  
30 or not guilty of murder, kidnapping, and sexual abuse under  
31 section 902.15.

32 a. If, in the initial proceeding, the court or jury finds  
33 the defendant guilty of, or the defendant pleads guilty to,  
34 an offense other than murder, kidnapping, and sexual abuse  
35 under section 902.15, the court shall sentence the defendant

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1 in accordance with the sentencing procedures set forth in rule  
2 of criminal procedure 2.23, Iowa court rules, and chapters 901  
3 through 909, which are applicable to the offense.

4     **b.** If the court or jury finds the defendant guilty of, or  
5 the defendant pleads guilty to, murder, kidnapping, and sexual  
6 abuse under section 902.15, but the prosecuting attorney waives  
7 the death penalty, the court shall sentence the defendant to  
8 life imprisonment in accordance with the sentencing procedures  
9 set forth in rule of criminal procedure 2.23, Iowa court rules,  
10 and chapters 901 through 909, which are otherwise applicable  
11 to convictions of murder in the first degree, kidnapping, and  
12 sexual abuse.

13     **c.** If the court or jury finds the defendant guilty of  
14 murder, kidnapping, and sexual abuse under section 902.15, or a  
15 defendant enters a plea of guilty in the initial proceeding,  
16 and the prosecuting attorney does not waive imposition of the  
17 death penalty, a penalty proceeding shall be held in the manner  
18 provided in subsections 4 through 12.

19     **4.** No sooner than twenty-four hours after a verdict of  
20 guilty or a plea of guilty to the charge of murder, kidnapping,  
21 and sexual abuse under section 902.15 is returned in the  
22 initial proceeding, a penalty proceeding shall be held to  
23 determine whether the defendant shall be sentenced to death  
24 or to life imprisonment. The proceeding shall be conducted  
25 in the trial court before the trial jury, or the court if the  
26 defendant has waived the right to a jury trial or has waived  
27 the right for the proceeding to be before the trial jury. Both  
28 the state and the defendant shall have the right to present  
29 opening statements at the commencement of the proceeding. In  
30 the proceeding, evidence relevant to the existence of any  
31 aggravating or mitigating circumstances may be presented as  
32 follows:

33     **a.** The state or the defendant may present evidence relevant  
34 to the conviction of the criminal offenses enumerated in  
35 section 902.15 and any aggravating circumstances other than

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1 juvenile delinquency adjudications for offenses which carry  
2 penalties equivalent to the penalties imposed for simple or  
3 serious misdemeanors. The state may introduce evidence of the  
4 actual harm caused by the commission of the murder, kidnapping,  
5 and sexual abuse under section 902.15, including but not  
6 limited to evidence relating to the life of the victim and the  
7 impact of the loss of the victim to the victim's family and  
8 society.

9     **b.** The defendant may present evidence that the defendant  
10 was intellectually disabled at the time of the commission of  
11 the offense. The burden of proof shall be on the defendant  
12 to prove intellectual disability by a preponderance of the  
13 evidence. However, a rebuttable presumption of intellectual  
14 disability arises if a defendant has an intelligence quotient  
15 of seventy or below.

16     **c.** The state or the defendant may present evidence relevant  
17 to any mitigating circumstances which may exist. Mitigating  
18 circumstances may include the following circumstances:

19         (1) The defendant was under the influence of an extreme  
20 mental or emotional disturbance insufficient to constitute a  
21 defense.

22         (2) The age of the defendant at the time of the murder.

23         (3) The defendant's capacity to appreciate the wrongfulness  
24 of the defendant's conduct and to conform that conduct to the  
25 requirements of law was significantly impaired as a result of a  
26 mental disease or defect or intellectual disability, but not to  
27 a degree sufficient to constitute a defense.

28         (4) The defendant has no significant history of prior adult  
29 criminal activity.

30         (5) The defendant acted under extreme duress or under the  
31 substantial domination of another person.

32         (6) The defendant did not directly commit the murder,  
33 kidnapping, and sexual abuse and the defendant did not intend  
34 to kill or anticipate that lethal force would be used.

35         (7) Any other factor which is relevant to the defendant's

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1 character or record or to the circumstances of the offense.  
2 *d.* The state and the defendant or the defendant's counsel  
3 shall be permitted to present and cross-examine witnesses and  
4 present arguments for or against a sentence of death. Evidence  
5 regarding aggravating and mitigating circumstances shall not  
6 be governed by the rules governing admissibility of evidence,  
7 except that introduction of evidence secured in violation of  
8 the Constitution of the United States or of the Constitution of  
9 the State of Iowa shall not be permitted.  
10 5. At the conclusion of presentation of evidence in  
11 the penalty proceeding, the state and the defendant or the  
12 defendant's counsel shall be permitted to make closing  
13 arguments, including any rebuttal arguments, in the same manner  
14 as in the initial proceeding and the following issues shall be  
15 determined by the jury or the court, if there is no jury:  
16 *a.* Whether the aggravating circumstance or circumstances  
17 have been established beyond a reasonable doubt and outweigh  
18 any one or more mitigating circumstances.  
19 *b.* Whether the defendant shall be sentenced to death.  
20 6. A recommendation for a sentence of death shall not be  
21 permitted if the recommendation is based on the race, color,  
22 religious beliefs, national origin, or sex of the defendant  
23 or of any victim. After submission of the issues, but prior  
24 to the return of a finding in the penalty proceeding, if  
25 the matter is tried before a jury, the court shall instruct  
26 the jury that in considering whether a sentence of death  
27 is justified, it shall not consider race, color, religious  
28 beliefs, national origin, or sex of the defendant or of any  
29 victim. The court shall further instruct the jury that it  
30 shall not return a sentence of death unless it concludes  
31 that such a sentence would be recommended no matter what the  
32 race, color, religious beliefs, national origin, or sex of the  
33 defendant or of any victim may be.  
34 7. After submission of the issues, but prior to the  
35 commencement of the jury deliberations in the penalty

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1 proceeding, the court shall instruct the jury that if the  
2 defendant is not sentenced to death, the court is required by  
3 law to impose a sentence of imprisonment until death without  
4 parole. The court shall further instruct the jury that  
5 the sentence of imprisonment until death without parole is  
6 required by law if the jury fails to reach a unanimous verdict  
7 recommending a sentence of death.

8 8. Concurrently with the return of the findings on the  
9 issues submitted under subsection 5, the jury, or the court if  
10 there is no jury, shall return special verdicts as follows:

11 a. Which aggravating circumstances were established beyond a  
12 reasonable doubt and were considered in reaching the verdict.

13 b. Which mitigating circumstances were established and  
14 were considered in reaching the verdict returned on the issue  
15 specified in subsection 5, paragraph "a".

16 9. If the jury, or the court if there is no jury, returns a  
17 unanimous affirmative finding on each of the issues submitted  
18 under subsection 5, paragraphs "a" and "b", the court shall  
19 enter a judgment of conviction and shall sentence the defendant  
20 to death as provided in section 902.1, subsection 3.

21 10. However, if evidence that the defendant was not a major  
22 participant in the commission of the murder, kidnapping, and  
23 sexual abuse under section 902.15, and that the defendant's  
24 conduct did not manifest a reckless indifference to human life  
25 is presented to the jury, or the court if there is no jury, the  
26 jury or the court shall also return a special verdict on the  
27 issue. If the jury unanimously determines, or the court, if  
28 there is no jury, finds that a preponderance of evidence exists  
29 that shows that the defendant was not a major participant in  
30 the commission of the murder, kidnapping, and sexual abuse  
31 under section 902.15, and that the defendant's conduct did not  
32 manifest a reckless indifference to human life, the court shall  
33 enter a judgment of conviction and shall sentence the defendant  
34 to life imprisonment as provided in section 902.1, subsection  
35 1, even if the jury or the court returns unanimous affirmative

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1 findings on each of the issues submitted under subsection 5.

2 11. If the jury, or the court if there is no jury, returns  
3 a negative finding on any of the issues submitted under  
4 subsection 5, paragraphs "a" or "b", the court shall enter a  
5 judgment of conviction and shall sentence the defendant to life  
6 imprisonment as provided in section 902.1, subsection 1.

7 12. After a verdict has been rendered it shall be recorded  
8 on the jury verdict form and shall be read and recorded in open  
9 court. The jurors shall be collectively asked by the court  
10 whether the verdict returned is their true and correct verdict.  
11 Even though no juror makes any declaration to the contrary, the  
12 jury shall, if either party so requests, be polled and each  
13 juror shall be separately asked whether the verdict rendered by  
14 the jury foreperson is the juror's true and correct verdict.  
15 If, upon either the collective or the separate inquiry, any  
16 juror denies that the verdict is the juror's verdict, the court  
17 shall refuse to accept the verdict. The court may direct  
18 inquiry or permit inquiry by counsel to ascertain whether any  
19 juror has been subjected to coercion or has become confused  
20 during the jury deliberation process. The court may, as  
21 appropriate, direct the jury to resume deliberation in the  
22 case. If no disagreement on the verdict is expressed by any of  
23 the jurors, the court shall discharge the jury.

24 13. This section shall not apply to a defendant who  
25 was under the age of eighteen at the time the offense was  
26 committed.

27 Sec. 7. Section 902.1, subsection 1, Code 2013, is amended  
28 to read as follows:

29 1. ~~Upon~~ Except as otherwise provided in subsection 2 or  
30 3, upon a plea of guilty, a verdict of guilty, or a special  
31 verdict upon which a judgment of conviction of a class "A"  
32 felony may be rendered, the court shall enter a judgment of  
33 conviction and shall commit the defendant into the custody of  
34 the director of the Iowa department of corrections for the  
35 rest of the defendant's life. Nothing in the Iowa corrections

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1 code pertaining to deferred judgment, deferred sentence,  
2 suspended sentence, or reconsideration of sentence applies  
3 to a sentence of life imprisonment for a class "A" felony,  
4 and a person convicted of a class "A" felony and sentenced to  
5 life imprisonment shall not be released on parole unless the  
6 governor commutes the sentence to a term of years.

7 Sec. 8. Section 902.1, Code 2013, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 3. Notwithstanding subsection 1, upon  
10 return of a plea or verdict of guilty to the offense of murder  
11 in the first degree, kidnapping, and sexual abuse under section  
12 902.15, and a return of a verdict in favor of a sentence of  
13 death in a penalty proceeding conducted as provided in section  
14 901.11, the court shall enter a judgment of conviction and  
15 shall commit the defendant into the custody of the director  
16 of the Iowa department of corrections. The sentence shall  
17 be carried out by the administration of a lethal injection  
18 pursuant to rules adopted by the board of corrections. If  
19 a defendant, for whom a warrant of execution is issued, is  
20 pregnant, the execution shall not take place until after the  
21 defendant is no longer pregnant. If a defendant, for whom  
22 a warrant of execution is issued, is suffering from such a  
23 diseased or deranged condition of the mind as to prevent the  
24 defendant from knowing the nature and quality of the act  
25 the defendant has been convicted of, or from understanding  
26 that trial on the offense has taken place and that execution  
27 proceedings are about to take place, or otherwise causes the  
28 defendant to lack the capacity to understand the sentence which  
29 has been imposed and to participate in any legal proceedings  
30 relating to the sentence, the execution shall not take place  
31 until after the defendant's capacity is restored. If the  
32 director of the department of corrections or the defendant's  
33 counsel files a request with the court which issued the warrant  
34 of execution, alleging that the defendant suffers from such  
35 a diseased or deranged condition, a hearing on the matter

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1 shall be held in the manner provided in section 812A.1. If a  
2 defendant was under the age of eighteen at the time the offense  
3 was committed, the defendant shall be sentenced as provided  
4 in subsection 1. For the purposes of this section, "*lethal*  
5 *injection*" means a continuous intravenous injection of a lethal  
6 substance sufficient to cause death.

7 Sec. 9. NEW SECTION. 902.15 Commission of first degree  
8 murder, kidnapping, and sexual abuse.

9 A person who commits murder in the first degree, kidnapping,  
10 and sexual abuse with respect to the same victim, who is  
11 not intellectually disabled or mentally ill, and who is age  
12 eighteen or older at the time the offense is committed, shall  
13 be eligible for a sentence of death under section 902.1,  
14 subsection 3, if the victim was a minor.

15 For purposes of this section, "*intellectually disabled*"  
16 means significant subaverage general intellectual functioning  
17 accompanied by significant deficits or impairments in adaptive  
18 functioning manifested in the developmental period, but no  
19 later than the age of eighteen years, and accompanied by  
20 deficits in adaptive behavior.

21 For purposes of this section, "*mentally ill*" means the  
22 condition of a person who is suffering from a chronic and  
23 persistent serious mental disease or disorder and who, by  
24 reason of that condition, lacks sufficient judgment to make  
25 responsible decisions regarding treatment and is reasonably  
26 likely to injure the person's self or others who may come into  
27 contact with the person if the person is allowed to remain at  
28 liberty without treatment.

29 Sec. 10. NEW SECTION. 902.16 Data collection for death  
30 penalty.

31 1. The supreme court shall collect data on all murder,  
32 kidnapping, and sexual abuse charges in which the death  
33 penalty is or was not waived, which are filed and processed  
34 in the courts in this state. This data may be used by the  
35 supreme court to determine whether death sentences imposed

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1 are excessive or disproportionate, or under the influence of  
2 prejudice as a result of racial discrimination under section  
3 814.28. The court shall make this data available to litigants  
4 in death penalty cases.

5 2. Data collected by public officials concerning factors  
6 relevant to the imposition of the death sentence shall be made  
7 publicly available.

8 Sec. 11. NEW SECTION. 903C.1 Executions — refusal to  
9 perform.

10 An employee of the state who may lawfully perform, assist, or  
11 participate in the execution of a person pursuant to section  
12 902.1, and rules adopted by the department of corrections,  
13 shall not be required to perform, assist, or participate in  
14 the execution. State employees who refuse to perform, assist,  
15 or participate in the execution of a person shall not be  
16 discriminated against in any way, including but not limited  
17 to employment, promotion, advancement, transfer, licensing,  
18 education, training, or the granting of any privileges or  
19 appointments because of the refusal to perform, assist, or  
20 participate in the execution.

21 Sec. 12. Section 904.105, Code 2013, is amended by adding  
22 the following new subsection:

23 NEW SUBSECTION. 9A. Adopt rules pursuant to chapter 17A  
24 pertaining to executions of persons convicted of murder,  
25 kidnapping, and sexual abuse under section 902.15. Rules  
26 adopted shall include but are not limited to rules permitting  
27 the witnessing of executions by members of the public and the  
28 victim's family. Invitations to witness an execution shall at  
29 least be extended to the following representatives of the news  
30 media:

31 a. A representative from a wire service serving Iowa.

32 b. A representative from a broadcasting network serving  
33 Iowa.

34 c. A representative from a television station located in  
35 Iowa.

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1     *d.* A representative from a radio station located in Iowa.  
2     *e.* A representative from a daily newspaper published in  
3 Iowa.  
4     *f.* A representative from a weekly newspaper published in  
5 Iowa.  
6     *g.* A representative from the news media from the community  
7 in which the condemned person resided, if that community is  
8 located in Iowa.  
9     Sec. 13.  
10    Rules of criminal procedure, Iowa court rules, are amended  
11 by adding the following four sections of this Act.  
12    Sec. 14.   **2. DEATH PENALTY – PROCEDURE.**  
13    **2. (1)** If a notice of intent to seek the death penalty has  
14 been filed, objections to the imposition of the death penalty  
15 based upon allegations that a defendant was intellectually  
16 disabled at the time of the commission of the offense shall  
17 be raised within the time provided for the filing of pretrial  
18 motions under R.Cr.P. 2.11, Iowa court rules. The court  
19 may, for good cause shown, allow late filing of the motion.  
20 Hearing on the motion shall be held prior to trial and the  
21 burden of proof shall be on the defendant to prove intellectual  
22 disability by a preponderance of the evidence. However, a  
23 rebuttable presumption of intellectual disability arises if a  
24 defendant has an intelligence quotient of seventy or below.  
25 A finding of the court that the evidence presented by the  
26 defendant at the hearing does not preclude the imposition of  
27 the death penalty under this rule and Iowa Code section 902.15  
28 shall not preclude the introduction of evidence of intellectual  
29 disability during the penalty proceeding. If the court finds  
30 that the evidence presented by the defendant does not preclude  
31 the imposition of the death penalty, evidence of intellectual  
32 disability may be reviewed by the jury during the penalty  
33 proceeding and the jury shall not be informed of the finding  
34 in the initial proceeding at any time during the penalty  
35 proceeding.

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1     2.\_\_(2) Upon a finding or plea that a defendant is guilty  
2 of murder, kidnapping, and sexual abuse under Iowa Code section  
3 902.15, in an initial proceeding, if a notice of intent to seek  
4 the death penalty has been filed and has not been waived, the  
5 court shall conduct a separate penalty proceeding to determine  
6 whether the defendant shall be sentenced to death or to life  
7 imprisonment. The penalty proceeding shall be conducted in  
8 the trial court before the trial jury, or the court, if there  
9 is no jury, no sooner than twenty-four hours after the return  
10 of the verdict or plea in the initial proceeding. In the  
11 penalty proceeding, additional evidence may be presented as to  
12 the conviction for murder, kidnapping, and sexual abuse under  
13 section 902.15, or any aggravating or mitigating circumstance  
14 which may exist. Presentation of evidence which is relevant  
15 to the existence of an aggravating or mitigating circumstance  
16 shall not be bound by the rules of evidence. This subsection  
17 does not authorize the introduction of any evidence secured in  
18 violation of the Constitution of the United States or of the  
19 Constitution of the State of Iowa. The state and the defendant  
20 or the defendant's counsel shall be permitted to cross-examine  
21 witnesses and to present arguments for or against a sentence of  
22 death.

23     2.\_\_(3) On conclusion of the presentation of the evidence  
24 in the penalty proceeding, the state and the defendant or  
25 the defendant's counsel shall be permitted to make closing  
26 arguments, including any rebuttal arguments, in the same manner  
27 as in the initial proceeding and the court shall submit each of  
28 the following issues to the jury:

29     a. Whether one or more aggravating circumstances outweigh  
30 any one or more mitigating circumstances.

31     b. Whether the defendant shall be sentenced to death.

32     If the case is not tried to a jury, the court shall determine  
33 the issues.

34     2.\_\_(4) The state must prove the issue in rule 2.\_\_(3)(a)  
35 beyond a reasonable doubt, and the jury, or the court if there

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1 is no jury, shall return a special verdict of "yes" or "no" on  
2 each issue.

3 2.\_\_(5) If the case is tried to a jury, the court shall  
4 charge the jury that:

5 a. It shall answer any issue "yes" if it agrees unanimously.

6 b. It shall answer any issue "no" if the jurors unanimously  
7 agree that the answer is "no" or if the jurors do not  
8 unanimously agree that the answer is "yes".

9 2.\_\_(6) Concurrently with the return of the special  
10 verdicts under rule 2.\_\_(3), the jury, or the court if there  
11 is no jury, shall also return special verdicts as follows:

12 a. Which aggravating circumstances were established beyond  
13 a reasonable doubt and were considered in reaching the verdict  
14 returned on the issue specified in rule 2.\_\_(3)(a).

15 b. Which mitigating circumstances were established and  
16 were considered in reaching the verdict returned on the issue  
17 specified in rule 2.\_\_(3)(a).

18 2.\_\_(7) If the jury, or the court if there is no jury,  
19 returns an affirmative finding on all applicable issues, the  
20 court shall sentence the defendant to death. If the jury or  
21 the court returns a negative finding on any applicable issue,  
22 the court shall sentence the defendant to the custody of the  
23 director of the department of corrections for confinement for  
24 the rest of the defendant's life.

25 2.\_\_(8) After a verdict has been rendered it shall be  
26 recorded on the jury verdict form and shall be read and  
27 recorded in open court. The jurors shall be collectively asked  
28 by the court whether the verdict returned is their true and  
29 correct verdict. Even though no juror makes any declaration  
30 to the contrary, the jury shall, if either party so requests,  
31 be polled and each juror shall be separately asked whether the  
32 verdict rendered by the jury foreperson is the juror's true  
33 and correct verdict. If, upon either the collective or the  
34 separate inquiry, any juror denies that the verdict is the  
35 juror's verdict, the court shall refuse to accept the verdict.

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1 The court may direct inquiry or permit inquiry by counsel to  
2 ascertain whether any juror has been subjected to coercion  
3 or has become confused during the jury deliberation process.  
4 The court may, as appropriate, direct the jury to resume  
5 deliberation in the case. If no disagreement on the verdict  
6 is expressed by any of the jurors, the court shall discharge  
7 the jury.

8 2.\_\_(9) Provisions relating to deferred judgment, deferred  
9 sentence, suspended sentence, reconsideration of sentence,  
10 probation, parole, or work release contained in Iowa Code  
11 chapters 901 through 909 do not apply to a conviction of  
12 murder, kidnapping, and sexual abuse under Iowa Code section  
13 902.15 if the defendant is sentenced to death.

14 Sec. 15. 2.\_\_\_\_ AUTOMATIC REVIEW – STAY OF EXECUTION OF  
15 JUDGMENT.

16 2.\_\_(1) A judgment of conviction and sentence of death  
17 shall be reviewed automatically in the manner provided in Iowa  
18 Code section 814.28, and the Iowa supreme court has exclusive  
19 jurisdiction of the review.

20 2.\_\_(2) Upon entry of judgment and sentence of death, the  
21 trial court shall prepare a complete record and transcript of  
22 the action in the manner provided in the rules of criminal  
23 procedure and shall docket the record and transcript with the  
24 clerk of the supreme court.

25 2.\_\_(3) The execution of judgment of the trial court is  
26 stayed as a matter of law from the time of its entry until  
27 the judgment of the supreme court is certified to and entered  
28 by the trial court. Upon entry of a judgment of the supreme  
29 court which affirms the conviction and sentence, the stay of  
30 execution of judgment terminates as a matter of law.

31 2.\_\_(4) All court costs required due to the automatic  
32 preparation of the record and transcript, docketing with the  
33 supreme court, and stay of execution of judgment shall be  
34 assessed to the state.

35 Sec. 16. 2.\_\_\_\_ ISSUANCE OF WARRANT.

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1     2.\_\_\_\_(1) Upon entry by the trial court of the judgment of  
2 the supreme court affirming a judgment and sentence of death,  
3 a district judge shall within five days of the entry issue  
4 a warrant under the seal of the court for the execution of  
5 the sentence of death. The warrant shall specifically set  
6 forth the offense and the fact of conviction, shall state  
7 the judgment and sentence of the court, shall state that the  
8 judgment and sentence were affirmed by the supreme court and  
9 the date of entry of judgment of the supreme court in the  
10 trial court, and shall, subject to the requirements of Iowa  
11 Code section 902.1, subsection 3, specify a range of five days  
12 for execution of the defendant which shall be not less than  
13 fifty nor more than sixty days after the date of entry in the  
14 trial court of the judgment of the supreme court affirming the  
15 judgment and sentence of death. The warrant shall be directed  
16 to the director of the department of corrections commanding  
17 the director to cause the warrant to be executed within the  
18 dates specified. The trial court shall deliver the warrant  
19 to the sheriff of the county in which judgment of conviction  
20 was entered and the sheriff shall deliver the warrant to the  
21 director of the department of corrections. The director of  
22 the department of corrections shall acknowledge receipt of the  
23 warrant and the defendant, and the sheriff shall return the  
24 acknowledgment to the office of the clerk of the trial court  
25 from which the warrant was issued.

26     2.\_\_\_\_(2) Immediately after issuance of a warrant ordering  
27 a sentence of death, the clerk of the trial court issuing the  
28 warrant shall transmit by certified mail to the governor a copy  
29 of the indictment, the plea, the verdict and special findings,  
30 the affirmation of judgment and sentence by the supreme court,  
31 and the complete transcript of the trial court.

32     2.\_\_\_\_(3) Notwithstanding rule 2.\_\_\_\_(1), if a defendant,  
33 for whom a warrant of execution is issued, is pregnant, the  
34 execution shall not take place until after the defendant  
35 is no longer pregnant. Notwithstanding rule 2.\_\_\_\_(1), if

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1 a defendant, for whom a warrant of execution is issued, is  
2 suffering from such a diseased or deranged condition of the  
3 mind as to prevent the defendant from knowing the nature  
4 and quality of the act the defendant has been convicted of,  
5 or from understanding that trial on the offense has taken  
6 place and that execution proceedings are about to take place,  
7 or to otherwise cause the defendant to lack the capacity  
8 to understand the sentence which has been imposed and to  
9 participate in any legal proceedings relating to the sentence,  
10 the execution shall not take place until after the defendant is  
11 no longer suffering from the condition.

12 Sec. 17. 2.      EVIDENCE AT PENALTY PROCEEDING WHERE DEATH  
13 SENTENCE REQUESTED.

14 2.     (1) At a reasonable time before the commencement of  
15 initial proceedings in a murder, kidnapping, and sexual abuse  
16 trial in which a sentence of death has been requested, each  
17 party shall file and serve upon the other party the following:

18 a. A list of all aggravating or mitigating circumstances  
19 which the party intends to prove during the sentencing  
20 proceedings.

21 b. The names of all persons whom the party intends to call  
22 as witnesses during the sentencing proceedings.

23 c. Notwithstanding rule 2.14, copies, or for inspection  
24 purposes, the location, of all documents, including books,  
25 papers, writings, drawings, graphs, charts, photographs,  
26 telephone records, and other data compilations from which  
27 information can be obtained, or other objects which the  
28 party intends to offer into evidence during the sentencing  
29 proceedings. If copies are not supplied to opposing counsel,  
30 the party shall make the items available for inspection and  
31 copying without order of the court.

32 2.     (2) In proceedings to determine whether the sentence  
33 shall be death or life imprisonment, evidence may be presented  
34 as to any matter which the trial court deems relevant to  
35 the sentence, including but not limited to the nature,

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1 circumstances, and manner of completion of the murder,  
2 kidnapping, and sexual abuse, and the defendant's character,  
3 background, history, and mental and physical condition. The  
4 trial court shall admit any relevant admissible evidence  
5 respecting any aggravating or mitigating circumstances, if the  
6 party has included the circumstance on a list provided pursuant  
7 to this rule, or good cause is shown for the failure to do so.

8 Sec. 18. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
9 3, shall not apply to this Act.

10 Sec. 19. SEVERABILITY. If any provision of this Act or the  
11 application thereof to any person is invalid, the invalidity  
12 shall not affect the provisions or application of this Act  
13 which can be given effect without the invalid provisions or  
14 application and to this end, the provisions of this Act are  
15 severable.

16 Sec. 20. EFFECTIVE DATE. This Act takes effect January 1,  
17 2014, and applies to offenses committed on or after that date.

18 EXPLANATION

19 This bill amends the Iowa criminal code to provide for  
20 punishment by death for murder in the first degree, kidnapping,  
21 and sexual abuse committed with respect to the same victim  
22 who is a minor if the trial jury, or the judge if there  
23 is no jury, makes specific findings and whether the jury  
24 believes the defendant should be put to death in a separate  
25 penalty proceeding held after the close of the initial trial  
26 proceeding. Under the bill, a death sentence could be imposed  
27 if the murder would constitute murder in the first degree and  
28 the state pleads and proves the defendant also kidnapped and  
29 committed sexual abuse against the murder victim who was a  
30 minor.

31 If a person is indigent and is charged with capital murder,  
32 payment of costs for two attorneys is authorized. The supreme  
33 court is required to establish standards for the competency of  
34 counsel in death penalty cases. The state public defender is  
35 charged with establishing teams of qualified lead and cocounsel

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1 for death penalty cases, as well as conducting or sponsoring  
2 specialized training programs for attorneys representing  
3 persons who may be executed.

4 If such a case proceeds to trial and a notice of intent to  
5 seek the death penalty has been filed, in addition to any other  
6 defenses which may be presented to the charge, the defendant  
7 may raise the issue of intellectual disability during the time  
8 of filing pretrial motions, and the defendant is entitled to  
9 a rebuttable presumption of intellectual disability if the  
10 defendant establishes that the defendant has an intelligence  
11 quotient of 70 or below.

12 Once the evidence is submitted to the jury, the court  
13 will instruct the jury, at the defendant's request, that in  
14 considering whether a sentence of death is justified, the  
15 race, color, religious beliefs, national origin, or sex of  
16 the defendant or of any victim is not to be considered. The  
17 supreme court shall collect evidence relating to whether the  
18 death sentences imposed are excessive, disproportionate, or  
19 imposed under the influence of prejudice at trial which will be  
20 available to litigants.

21 The sentence of death is imposed only when the trier of fact  
22 (the jury or the court if the defendant has waived the right to  
23 a jury trial) unanimously answers two questions affirmatively:  
24 (1) whether aggravating circumstances established beyond a  
25 reasonable doubt outweigh any mitigating circumstances that  
26 may exist; and (2) whether the defendant should be sentenced  
27 to death. Mitigating factors the trier of fact may consider  
28 include the following: the defendant was under the influence  
29 of an extreme mental or emotional disturbance; the age of  
30 the defendant; the defendant's ability to appreciate the  
31 wrongfulness of the conduct due to mental disease but not  
32 to a degree to constitute a defense; the defendant has no  
33 significant prior criminal history; the defendant was under  
34 extreme duress; the defendant did not directly commit the  
35 murder, kidnapping, and sexual abuse; and the defendant's

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1 character or record or the circumstances of the offense. The  
2 sentencing proceeding is conducted separately from the finding  
3 of guilt or innocence by the same trier of fact.

4 For the sentencing proceeding, the trier of fact (the jury  
5 or the court if the defendant has waived the right to have  
6 the jury hear the proceedings) is to weigh any aggravating  
7 circumstances established beyond a reasonable doubt by the  
8 state against any of the enumerated mitigating circumstances  
9 which may be presented by the defendant. Evidence of certain  
10 juvenile delinquency adjudications is not admissible in any  
11 proceeding to determine the sentence. If the jury fails to  
12 agree unanimously on the required affirmative findings, the  
13 penalty would be life imprisonment.

14 The death penalty sentence would be reviewed automatically  
15 by the supreme court. The supreme court shall review the trial  
16 and judgment separately from the sentencing proceeding. If the  
17 supreme court finds error in the sentencing proceeding, the  
18 supreme court may remand the case back to district court for a  
19 new sentencing hearing. The bill requires the supreme court to  
20 examine whether the sentence is excessive or disproportionate  
21 to penalties in similar cases. If affirmed by the supreme  
22 court, the penalty would be accomplished by lethal injection.  
23 The bill requires the board of corrections to adopt rules  
24 pertaining to executions, including rules pertaining to the  
25 witnessing of executions.

26 The bill further provides that in order to receive a sentence  
27 of death, the defendant must be at least 18 years of age at  
28 the time the offense is committed, must not be mentally ill or  
29 intellectually disabled, and must have been a major participant  
30 in the commission of the crime or must have shown a manifest  
31 indifference to human life.

32 A person who is sentenced to death, but who is pregnant when  
33 the warrant of execution is issued, is not to be executed until  
34 the person is no longer pregnant. A procedure is also provided  
35 to stay execution of a condemned inmate who becomes insane

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1 after conviction but before execution.

2 An employee of the state shall not be required to perform or  
3 assist in any execution and shall not be discriminated against  
4 for refusing to participate.

5 The bill may include a state mandate as defined in Code  
6 section 25B.3. The bill makes inapplicable Code section 25B.2,  
7 subsection 3, which would relieve a political subdivision from  
8 complying with a state mandate if funding for the cost of  
9 the state mandate is not provided or specified. Therefore,  
10 political subdivisions are required to comply with any state  
11 mandate included in the bill.

12 The bill contains severability provisions and takes effect  
13 January 1, 2014, and applies only to offenses committed on or  
14 after that date.



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Senate File 168 - Introduced

SENATE FILE 168

BY BEHN, HOUSER, GREINER,  
FEENSTRA, GUTH, ROZENBOOM,  
ANDERSON, BERTRAND,  
SEGEBART, CHELGREN,  
JOHNSON, BREITBACH, ZAUN,  
SINCLAIR, WHITVER, ZUMBACH,  
SCHNEIDER, CHAPMAN,  
KAPUCIAN, SORENSON,  
BOETTGER, and SMITH

A BILL FOR

1 An Act relating to the implementation of federal statute,  
2 regulation, or policy by state administrative agencies.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1604XS (3) 85  
jr/rj



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S.F. 168

1 Section 1. NEW SECTION. 17A.24 Rule implementation of  
2 federal statute, regulation, or policy.

3 1. Except as otherwise explicitly authorized by state law,  
4 an agency charged with the implementation of a federal statute,  
5 regulation, or policy shall not implement the federal statute,  
6 regulation, or policy in a manner that exceeds the specific  
7 requirements of the federal statute, regulation, or policy.

8 2. Any portion of an agency rule or policy that implements  
9 a federal statute, regulation, or policy and that exceeds the  
10 specific requirements of the federal statute, regulation, or  
11 policy is automatically superseded by the specific requirements  
12 of that federal statute, regulation, or policy.

13 EXPLANATION

14 This bill provides that state implementation of a federal  
15 statute, regulation, or policy by a state agency shall not  
16 exceed the specific requirements of the federal statute,  
17 regulation, or policy, except as specifically allowed by state  
18 law. Any portion of a state rule or policy that implements a  
19 federal statute, regulation, or policy and that exceeds the  
20 specific requirements of the federal statute, regulation, or  
21 policy is automatically superseded by the specific requirements  
22 of that federal statute, regulation, or policy.

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**Senate File 169 - Introduced**

SENATE FILE 169

BY BEHN, CHAPMAN, HOUSER,  
GREINER, FEENSTRA, GUTH,  
ROZENBOOM, ANDERSON,  
BERTRAND, SEGEBART,  
CHELGREN, JOHNSON,  
BREITBACH, ZAUN, SINCLAIR,  
WHITVER, ZUMBACH,  
SCHNEIDER, KAPUCIAN,  
SORENSEN, BOETTGER, and  
SMITH

**A BILL FOR**

1 An Act relating to the fiscal impact on cities of  
2 administrative rules adopted by the environmental protection  
3 commission.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1775XS (4) 85  
tm/rj



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1 Section 1. Section 455B.104, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. *a.* By January 1, 2014, the department  
4 shall submit a regulatory fiscal impact on cities report to the  
5 governor and the general assembly. The report shall analyze  
6 the fiscal impact of rules adopted by the commission on cities  
7 over a ten-year period. At a minimum, the report shall analyze  
8 in a summary format the rules adopted by the commission in each  
9 chapter of the Iowa administrative code. For each chapter, at  
10 a minimum, the department shall provide a description of the  
11 probable quantitative and qualitative impact of the chapter,  
12 economic or otherwise, upon affected cities, including a  
13 description of the nature and amount of all of the different  
14 kinds of costs that would be incurred in complying with the  
15 chapter over a ten-year period.

16 *b.* As part of a notice of intended action or rule filed  
17 without notice submitted pursuant to section 17A.4 by the  
18 commission, the department shall submit to the commission  
19 for inclusion in the notice a statement regarding the fiscal  
20 impact of the proposed rule on cities. The statement shall  
21 analyze the fiscal impact of the proposed rule on cities over a  
22 ten-year period. The department shall provide a description  
23 of the probable quantitative and qualitative impact of the  
24 proposed rule, economic or otherwise, upon affected cities,  
25 including a description of the nature and amount of all of the  
26 different kinds of costs that would be incurred in complying  
27 with the proposed rule over a ten-year period.

28 Sec. 2. Section 455B.105, subsection 3, Code 2013, is  
29 amended to read as follows:

30 3. Adopt, modify, or repeal rules necessary to implement  
31 this chapter, chapter 459, chapter 459A, and chapter 459B, and  
32 the rules deemed necessary for the effective administration  
33 of the department. When the commission proposes or adopts  
34 rules to implement a specific federal environmental program  
35 and the rules impose requirements more restrictive than the

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1 federal program being implemented requires, the commission  
2 shall identify in its notice of intended action or adopted rule  
3 preamble each rule that is more restrictive than the federal  
4 program requires and shall state the reasons for proposing  
5 or adopting the more restrictive requirement. In addition,  
6 the commission shall include with its reasoning a financial  
7 impact statement detailing the general impact upon the affected  
8 parties. The commission shall include in a notice of intended  
9 action or rule filed without notice the fiscal impact statement  
10 submitted by the department pursuant to section 455B.104,  
11 subsection 5. It is the intent of the general assembly that  
12 the commission exercise strict oversight of the operations of  
13 the department. The rules shall include departmental policy  
14 relating to the disclosure of information on a violation  
15 or alleged violation of the rules, standards, permits, or  
16 orders issued by the department and keeping of confidential  
17 information obtained by the department in the administration  
18 and enforcement of this chapter, chapter 459, chapter 459A,  
19 and chapter 459B. Rules adopted by the executive committee  
20 before January 1, 1981, shall remain effective until modified  
21 or rescinded by action of the commission.

22 EXPLANATION

23 This bill relates to the fiscal impact on cities of  
24 administrative rules adopted by the environmental protection  
25 commission.

26 The bill requires the department of natural resources to  
27 submit a regulatory fiscal impact on cities report to the  
28 governor and the general assembly by January 1, 2014. The  
29 report may be submitted in a summary format and shall provide  
30 a description of the probable quantitative and qualitative  
31 impact of each chapter of administrative rules adopted by the  
32 environmental protection commission, economic or otherwise,  
33 upon affected cities, including a description of the nature and  
34 amount of all of the different kinds of costs that would be  
35 incurred in complying with each chapter over a 10-year period.

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1     The bill requires the department to provide the commission  
2 with a fiscal impact statement for inclusion in a notice of  
3 intended action. The statement shall analyze the fiscal impact  
4 of the proposed rule on cities over a 10-year period.



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**Senate File 170 - Introduced**

SENATE FILE 170  
BY COMMITTEE ON ECONOMIC  
GROWTH

(SUCCESSOR TO SF 15)

**A BILL FOR**

1 An Act relating to bidding for purchases through a competitive  
2 bidding process by the state.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1078SV (2) 85  
je/nh



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1 Section 1. Section 8A.311, Code 2013, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 12A. *a.* If the lowest responsive bid  
4 received by the state for products or other purchases is from  
5 an out-of-state business and totals less than five hundred  
6 thousand dollars, and an Iowa-based business submitted a bid  
7 which is within five percent or ten thousand dollars of the  
8 price of the lowest bid, whichever is less, the Iowa-based  
9 business which submitted the lowest responsive bid shall be  
10 notified and shall be allowed to match the lowest bid before  
11 a contract is awarded.

12 *b.* This subsection does not apply to a request for bids or  
13 proposals for products or other purchases associated with the  
14 following:

15 (1) Road or bridge construction or repair.

16 (2) Architectural or engineering services.

17 *c.* This subsection does not apply to procurement of or for  
18 public improvement projects.

19 *d.* For purposes of this subsection:

20 (1) "*Iowa-based business*" means an entity that has its  
21 principal place of business in Iowa.

22 (2) "*Public improvement*" means a building or construction  
23 work which is constructed under the control of a governmental  
24 entity and is paid for in whole or in part with funds of the  
25 governmental entity, including a building or improvement  
26 constructed or operated jointly with any other public or  
27 private agency, and including a highway, bridge, or culvert  
28 project, but excluding emergency work or repair or maintenance  
29 work performed by state employees.

30 NEW SUBSECTION. 12B. *a.* A response to a request for bids  
31 or proposals for products or other purchases by the state which  
32 totals less than five hundred thousand dollars in value shall  
33 contain the following information:

34 (1) The percentage of the ownership of the submitting  
35 business which is held by Iowa residents.

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1 (2) The percentage of the employees who will be carrying out  
2 work in connection with the contract who are Iowa residents.  
3 For the purposes of this paragraph, "*employee*" includes  
4 part-time, temporary, contract, and substitute employees, and  
5 includes employees of any contractors or subcontractors.

6 (3) An estimate of the percentage of purchases to be made by  
7 the submitting business in connection with the contract that  
8 will be made from Iowa-based businesses.

9 (4) Documentation showing that the submitting business  
10 paid taxes, as defined in section 445.1, in this state  
11 during the most recently completed fiscal year for which such  
12 documentation is available.

13 *b.* This subsection does not apply to a request for bids or  
14 proposals for products or other purchases associated with the  
15 following:

16 (1) Road or bridge construction or repair.

17 (2) Architectural or engineering services.

18 *c.* This subsection does not apply to procurement of or for  
19 public improvement projects.

20 *d.* For purposes of this subsection:

21 (1) "*Iowa-based business*" means an entity that has its  
22 principal place of business in Iowa.

23 (2) "*Public improvement*" means a building or construction  
24 work which is constructed under the control of a governmental  
25 entity and is paid for in whole or in part with funds of the  
26 governmental entity, including a building or improvement  
27 constructed or operated jointly with any other public or  
28 private agency, and including a highway, bridge, or culvert  
29 project, but excluding emergency work or repair or maintenance  
30 work performed by state employees.

31 EXPLANATION

32 This bill provides that for purchases initiated by the state  
33 through a competitive bidding process, if the lowest responsive  
34 bid received is from an out-of-state business and totals less  
35 than \$500,000, and an in-state business submitted a bid which

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1 is within 5 percent or \$10,000 of the price of the lowest  
2 responsive bid, whichever is less, the state shall notify  
3 the in-state business which submitted the lowest responsive  
4 bid and allow it to match the lowest responsive bid from the  
5 out-of-state business before a contract is awarded.

6 The bill also provides that a response to a request for  
7 bid or proposal for a purchase by the state which is less  
8 than \$500,000 in value must contain certain information.

9 The required information is the percentage of the ownership  
10 of the submitting business which is held by Iowa residents;  
11 the percentage of employees who will be carrying out work  
12 in connection with the contract who are Iowa residents; an  
13 estimate of the percentage of purchases to be made by the  
14 submitting business in connection with the contract that  
15 will be made from Iowa-based businesses; and documentation  
16 showing that the submitting business paid taxes, as defined  
17 in Code section 445.1, in this state during the most recently  
18 completed fiscal year for which such a figure is available.  
19 For the purposes of determining how many employees carrying out  
20 work in connection with the contract will be Iowa residents,  
21 "employee" includes part-time, temporary, contract, and  
22 substitute employees, and includes employees of any contractors  
23 or subcontractors.

24 The bill does not apply to a request for bids or proposals  
25 for products or other purchases associated with road or bridge  
26 construction or repair, to a request for bids or proposals  
27 for products or other purchases associated with architectural  
28 or engineering services, or to procurement of or for public  
29 improvement projects.

30 The bill defines "Iowa-based business" as an entity that  
31 has its principal place of business in Iowa. The bill defines  
32 "public improvement" as a building or construction work which  
33 is constructed under the control of a governmental entity and  
34 is paid for in whole or in part with funds of the governmental  
35 entity, including a building or improvement constructed or

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1 operated jointly with any other public or private agency, and  
2 including a highway, bridge, or culvert project, but excluding  
3 emergency work or repair or maintenance work performed by state  
4 employees.



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Senate Resolution 5 - Introduced

SENATE RESOLUTION NO. 5

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A Resolution relating to permanent rules of the senate  
2 for the ~~eighty-fourth~~ eighty-fifth general assembly.

3 BE IT RESOLVED BY THE SENATE, That the permanent  
4 rules of the senate for the ~~eighty-fourth~~ eighty-fifth  
5 general assembly be as follows:

6 RULES OF THE SENATE

7 Rule 1

8 Quorum

9 A constitutional majority shall constitute a quorum  
10 of the senate. Any senator may insist a quorum be  
11 present.

12 Rule 2

13 Adoption and Amendment of Rules

14 Whenever the senate is operating under temporary  
15 rules, the rules may be amended or repealed, or  
16 permanent rules may be adopted, by a constitutional  
17 majority of the senators. After adoption of permanent  
18 rules of the senate during any general assembly, the  
19 rules may be amended or repealed by a constitutional  
20 majority of the senators voting on a simple resolution.

21 Rule 3

22 Rules of Parliamentary Procedure

23 In cases not covered by senate rules or joint rules,  
24 Mason's Manual of Legislative Procedure shall govern.

25 Rule 4

26 Sessions of the General Assembly

27 The election of officers, organization, hiring and  
28 compensation of employees, and committees of the senate



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1 shall carry over from the first to the second regular  
2 sessions and to any extraordinary sessions of the same  
3 general assembly.

4 All bills and resolutions introduced in the first  
5 regular session of a general assembly which are not  
6 withdrawn, lost, or indefinitely postponed shall  
7 carry over into the second regular session and to any  
8 extraordinary session of the same general assembly.

9 Appointments received from the governor for senate  
10 confirmation during any session of a general assembly  
11 shall be acted upon prior to adjournment of that  
12 session as provided by section 2.32 of the Code.

13 Except as provided by this rule, upon the adjournment  
14 of the first regular session and any extraordinary  
15 session, each bill or resolution shall be automatically  
16 referred back to the committee to which it was  
17 originally assigned. The secretary of the senate shall  
18 publish in the Journal a list of the bills returned to  
19 committee under this rule. Within seven days after  
20 the first committee meeting after the convening of  
21 the second regular session, committees shall either  
22 authorize the chair to refer such bills and resolutions  
23 to a subcommittee for consideration, indefinitely  
24 postpone further consideration of such bills, or report  
25 them out to the floor and place them on the calendar.  
26 If the subcommittee is different than that appointed  
27 during the first session, the committee chair shall  
28 report to the senate the bill or resolution number and  
29 the names of the subcommittee members.

30 Bills and resolutions which have been voted upon





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1 on final passage by either house in any session  
2 shall remain on the calendar in the same status as at  
3 the end of the session at any subsequent regular or  
4 extraordinary session.

Rule 5

Regular Order of Daily Business

7 The following order shall govern, subject to any  
8 special order:

- 9 1. Correction of the journal.
- 10 2. Senators to be excused.
- 11 3. Communications to the Senate.
- 12 4. Introduction of bills and resolutions.
- 13 5. Consideration of senate calendar.

Rule 6

Senate Calendar

16 1. Each legislative day the secretary of the senate  
17 shall prepare a listing of bills to be known as the  
18 "Senate Calendar".

19 2. The senate calendar may contain a listing under  
20 the category "Special Order" which shall be placed at  
21 the head of the calendar. Bills in such category shall  
22 be those which are specifically set for debate by the  
23 majority leader with the consent of the senate on a  
24 certain date and time. Bills shall be listed by the  
25 secretary in numerical order.

26 3. The senate calendar shall include separate  
27 listings for any bills and resolutions in the following  
28 categories:

- 29 a. Conference Committee Report
- 30 b. Bills in Conference Committee

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1 c. House Amendment to Senate Amendment to House  
2 File  
3 d. House Refuses to Concur in Senate Amendment to  
4 House File  
5 e. Senate Files Amended by the House  
6 f. Unfinished Business  
7 g. Motions to Reconsider  
8 h. Administrative Rules Nullification Resolutions  
9 i. Veto Messages from the Governor  
10 4. The secretary shall list bills and resolutions  
11 in the above categories in numerical order. Upon  
12 their first publication in the calendar, bills and  
13 resolutions in the above categories may be called up  
14 for debate at any time by the majority leader. Motions  
15 to reconsider shall be called up as provided by Rule  
16 24.  
17 5. The senate calendar shall include a listing  
18 of senate appropriations committee bills and bills  
19 reported out by the senate appropriations committee.  
20 The list shall be known as the "Appropriations  
21 Calendar". The secretary shall list the bills in  
22 numerical order. Upon their first publication in the  
23 calendar, bills on the appropriations calendar may be  
24 called up for debate at any time by the majority leader  
25 provided they are eligible under Rule 8.  
26 6. The senate calendar shall include a listing  
27 of bills which pertain to the levy, assessment or  
28 collection of taxes sponsored by or initially assigned  
29 to and reported out by the senate ways and means  
30 committee. The list shall be known as the "Ways and

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1 Means Calendar". The secretary shall list the bills in  
2 numerical order. Upon their first publication in the  
3 calendar, bills on the ways and means calendar may be  
4 called up for debate at any time by the majority leader  
5 provided they are eligible under Rule 8.

6 7. The senate calendar shall include a list of  
7 bills and resolutions, known as the "Regular Calendar",  
8 which shall consist of bills and resolutions reported  
9 out by a senate committee. The bills and resolutions  
10 reported out each day shall be listed in numerical  
11 order. Priority shall be given to senate over house  
12 bills and resolutions. Upon their first publication  
13 in the calendar, bills on the regular calendar may  
14 be called up for debate at any time by the majority  
15 leader, provided they are eligible under Rule 8.

16 A bill reported out of committee which is  
17 subsequently referred to the ways and means or  
18 appropriations committee and then reported out of that  
19 committee, shall be returned to the regular calendar in  
20 numerical order.

21 8. The senate calendar shall include a listing of  
22 the governor's appointees to state boards, commissions,  
23 and other offices requiring senate confirmation. This  
24 listing shall be known as the "Confirmation Calendar".  
25 Names on the confirmation calendar may be called up  
26 for confirmation at any time by the majority leader  
27 provided they are eligible under rule 59.

28 9. The majority leader, or in the absence of the  
29 majority leader the assistant majority leaders, may  
30 select from among the bills on the previous legislative



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1 day's Senate calendar and from the bills selected  
2 create a new listing which shall be known as the  
3 "Debate Calendar". The debate calendar shall list  
4 bills as the majority leader expects to take them up.  
5 A bill or resolution on the debate calendar may be  
6 debated only when eligible under Rule 8.  
7 10. The majority leader, or in the absence of the  
8 majority leader the assistant majority leaders, may  
9 create a list of bills or resolutions about which  
10 no controversy is believed to exist which shall be  
11 known as the "Proposed Noncontroversial Calendar".  
12 Bills or resolutions included on this listing may be  
13 debated at any time upon being called up for debate  
14 by the majority leader. Any bill or resolution which  
15 appeared on the previous day's Senate calendar may be  
16 placed by any senator on the proposed noncontroversial  
17 calendar, which shall be published. Any bill or  
18 resolution on the proposed noncontroversial calendar  
19 shall be stricken from the list if any senator files  
20 a written objection with the secretary of the senate  
21 on the first or second legislative day after it  
22 appears on the proposed noncontroversial calendar.  
23 Any bill stricken from the proposed noncontroversial  
24 calendar shall be returned to its former place on  
25 the Senate calendar. The secretary shall prepare the  
26 noncontroversial calendar which shall consist of all  
27 bills or resolutions on the proposed noncontroversial  
28 calendar to which no objection was received.  
29 11. If the senate shall not be in session on a day  
30 assigned in paragraphs nine and ten for action upon a



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1 calendar, such assigned action shall occur on the next  
2 succeeding legislative day.

3 12. On any bill called up for debate from any  
4 calendar, debate may continue from day to day until  
5 it is adopted, fails, or is postponed or deferred.  
6 If further debate is postponed or deferred without a  
7 time to continue being set, except for bills on the  
8 debate calendar, the bill shall be listed as unfinished  
9 business. Bills which are returned to the committee of  
10 first referral or to a different committee after being  
11 considered by the senate and classified as unfinished  
12 business shall be returned to the unfinished business  
13 calendar by that committee when the bill is reported  
14 out of committee. The unfinished business date on  
15 the calendar shall be the date on which the bill was  
16 returned to committee. Bills on the debate calendar  
17 upon which further debate is postponed or deferred  
18 without a time to continue being set shall return to  
19 the regular calendar.

20 Rule 7

21 Reserved.

22 Rule 8

23 When Eligible for Consideration

24 Bills, resolutions, and appointments shall be  
25 eligible for consideration by the senate as follows:

26 1. An appointment by the governor which requires  
27 senate confirmation shall be eligible on the second  
28 legislative day ~~after~~ it is ~~first~~ printed in the senate  
29 calendar as provided by Rule 59.

30 2. A house or individually sponsored bill or



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1 resolution reported out by a committee shall be  
2 eligible on the second legislative day ~~after~~ it is  
3 ~~first~~ printed in the senate calendar.

4 3. A committee bill or resolution sponsored by  
5 the appropriations committee shall be eligible on the  
6 second legislative day ~~after~~ it is ~~first~~ printed in the  
7 senate calendar.

8 4. Any committee bill or resolution, other than  
9 a bill or resolution sponsored by the appropriations  
10 committee, shall be eligible on the third legislative  
11 day it is printed in the senate calendar.

12 5. A bill that has been reported out to the  
13 senate calendar, referred to a different committee  
14 and reported out by that committee is eligible for  
15 consideration by the senate on the day it would have  
16 been eligible under subsection 2, 3, or 4, whichever  
17 is applicable, as if the bill had been printed in the  
18 calendar after having been reported out by the first  
19 committee.

20 Rule 9

21 Debate and Decorum

22 Before addressing the senate, the senator shall  
23 request recognition by depressing the "speak" device  
24 and, when recognized, rise and respectfully address the  
25 chair.

26 The senator shall confine all remarks to the  
27 question under debate and shall avoid discussing  
28 personalities or implication of improper motives. No  
29 questions except by the senator recognized shall be  
30 entertained after a senator is recognized to give final



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1 remarks.

2 Rule 10

3 Point of Personal Privilege

4 A point of personal privilege shall only be  
5 recognized when there is no motion pending or other  
6 business being considered by the senate. Points of  
7 personal privilege shall not be in order during the  
8 time when appropriation subcommittees are scheduled  
9 to meet. Senators speaking on a point of personal  
10 privilege shall be limited to ten minutes.

11 Rule 11

12 Introduction and Presentation of Guests

13 Only former members of the senate and former and  
14 present members of Congress shall be presented to  
15 the senate, except that the president of the senate  
16 may present a visitor whose presence is of special  
17 significance to the senate. The presence of school  
18 groups accompanied by school officials shall be  
19 announced by the president of the senate and shall  
20 be recorded in the journal upon written request of a  
21 member of the senate. Senators may be recognized to  
22 introduce guests in the galleries when there is no  
23 motion pending or other business being considered by  
24 the senate. Introductions shall be limited to one  
25 minute.

26 Rule 12

27 Form and Withdrawal of Motions, Amendments and

28 Signatures

29 Motions need not be in writing unless required by  
30 the president or by the senate. No motion requires



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1 a second. Any amendment, motion (including a motion  
2 to reconsider), or resolution may be withdrawn by the  
3 mover if it has not been amended by the senate and if  
4 no amendment is pending. All amendments to bills,  
5 resolutions, and reports shall be in writing and filed  
6 before being acted upon by the senate.

7 No amendment, resolution, bill, or conference  
8 committee report shall be considered by the senate  
9 without a copy of the amendment, resolution, bill, or  
10 conference committee report being on the desks of the  
11 entire membership of the senate prior to consideration.  
12 However, after the fourteenth week of the first session  
13 and the twelfth week of the second session, amendments  
14 and senate resolutions may be considered by the senate  
15 without a copy of the amendment or senate resolution  
16 being on the desks of the entire membership of the  
17 senate if a copy of the amendment or senate resolution  
18 is made available to the entire membership of the  
19 senate electronically. Such consideration shall  
20 be deferred until a copy of the amendment or senate  
21 resolution is on the desks of the entire membership of  
22 the senate upon the request of any senator.

23 All amendments, reports, petitions or other  
24 documents requiring a signature shall have the name  
25 printed under the place for the signature. Once a  
26 signature is affixed and the document containing the  
27 signature filed with the recording clerk in the well,  
28 that signature shall not be removed.

29 When an amendment to a main amendment is filed that  
30 would negate the effect of the main amendment and

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1 thereby leave the bill unchanged, the presiding officer  
2 shall have the authority to declare the amendment to  
3 the main amendment out of order, subject to an appeal  
4 to the full senate.

5 When a house amendment to a senate file is before  
6 the senate, an amendment to the house amendment shall  
7 be considered an amendment in the first degree.

8 Regardless of its origin, an amendment in the third  
9 degree shall be ruled out of order.

10 When a ruling on germaneness is issued by the  
11 presiding officer, it shall be accompanied by an  
12 explanation of the ruling.

13 Rule 13

14 Order and Precedence of Motions and Amendments

15 When a question is under debate, no motion shall  
16 be received but to adjourn, to recess, questions  
17 of privilege, to lay on the table, for the previous  
18 question, to postpone to a day certain, to refer,  
19 to amend, to postpone indefinitely, to defer, or  
20 incidental motions. A substitute is not in order  
21 unless it is in the form of a motion to substitute.  
22 Such motions shall have precedence in the order in  
23 which they are named. No motion to postpone to a  
24 day certain, to refer, or postpone indefinitely,  
25 being decided, shall be again allowed on the same  
26 day with regard to the same question. A motion to  
27 strike out the enacting clause of a bill shall have  
28 precedence over all amendments and, if carried, shall  
29 be considered equivalent to the rejection of the bill.  
30 A motion to strike everything after the enacting



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1 clause has precedence over a committee amendment and  
2 all other amendments except one to strike the enacting  
3 clause. A committee amendment has precedence over all  
4 other amendments except as provided in this rule.

5 A motion to rerefer a bill to committee may specify  
6 when the committee shall report the bill to the senate.  
7 If the motion is adopted in such form, the committee  
8 must report the bill by the date and time specified  
9 with or without recommendation or the bill shall  
10 automatically be returned to the calendar. When the  
11 bill is returned to the calendar, it shall occupy  
12 the same position it occupied at the time the bill  
13 was rereferred to the committee. If the committee  
14 to which the bill is rereferred submits an amendment  
15 in its report, that committee amendment shall take  
16 precedence over other amendments except if that  
17 committee amendment is in conflict with amendments  
18 previously adopted, the committee amendment shall  
19 not be considered until consideration of motions to  
20 reconsider the previously adopted amendments result  
21 in removing the conflict. A committee may not file  
22 an amendment to a bill unless the bill is in the  
23 committee's possession.

24 Rule 14

25 Motions Before the Senate

26 Motions before the senate shall be displayed on the  
27 electronic voting system display boards.

28 Rule 15

29 Nondebatable Motions

30 The following motions are not debatable:



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1 Adjourn  
2 Recess  
3 Call of the Senate  
4 Lay on Table or Take from Table  
5 Previous Question  
6 Reconsider vote by which bill was placed on last  
7 reading.

8 A Motion to Reconsider and Lay the Motion to  
9 Reconsider on the Table (Double-barreled Motion).

10 Rule 16

11 Division of the Question

12 Any senator may call for a division of a question,  
13 which shall be divided if it includes propositions  
14 so distinct that if one is taken away, a substantive  
15 proposition shall remain in a technically proper form  
16 for the decision of the senate. A motion to strike out  
17 and insert is indivisible; but a motion to strike out,  
18 if lost, shall not preclude amendments to the matter  
19 attempted to be stricken or a motion to strike out and  
20 insert.

21 Rule 17

22 The Previous Question

23 The previous question shall be in this form: "Shall  
24 debate be closed on the pending question?" A motion  
25 for the previous question may be adopted by a majority  
26 of the senators present and voting. Its effect shall  
27 be to put an end to debate and bring the senate to a  
28 direct vote upon the pending question. However, any  
29 senator who has not previously spoken on the pending  
30 question and who, after the main question is taken up



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1 and before the motion for the previous question has  
2 been made, requested recognition by depressing the  
3 "speak" device may speak no longer than five minutes  
4 on the pending question. If action on the pending  
5 question continues into another legislative day or is  
6 deferred, the previous question shall apply and the  
7 requests to be recognized shall be honored.

8 When the motion applies to an amendment, the senator  
9 proposing the amendment shall have five minutes to  
10 close debate on the amendment.

11 The senator handling the measure under consideration  
12 shall have ten minutes to close debate on the main  
13 question.

14 Rule 18

15 Call of the Senate

16 Ten senators may file in writing a call of the  
17 senate on any single item of legislative business.  
18 A call of the senate requires the presence of every  
19 senator and is in order at any time prior to the vote  
20 being announced by the president. The sergeant-at-arms  
21 shall return promptly all absent senators. Debate  
22 on the item may continue while absent senators are  
23 returning, but no vote on the item is in order on it  
24 until all have returned. Adoption of a motion to  
25 recess or adjourn to a specific time will not lift  
26 the call. The call may be lifted, or a senator may  
27 be excused from the call without lifting the call, by  
28 a vote of a constitutional majority of the senators.  
29 Those senators excused prior to the filing of the call  
30 are excused from the call.

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1 Rule 19

2 Committee of the Whole

3 The senate may resolve itself into a committee of  
4 the whole senate when it wishes to permit more free and  
5 informal discussion. Persons other than senators may  
6 appear and present information.

7 Any senator may move "that the senate now resolve  
8 itself into a committee of the whole to consider" a  
9 stated subject.

10 The president of the senate shall be chair of the  
11 committee of the whole unless otherwise ordered by the  
12 senate.

13 The procedure in committee of the whole is subject  
14 to the rules of the senate. The previous question and  
15 the motion to reconsider shall be in order.

16 The committee of the whole cannot take any final  
17 action and its power is limited to recommendation to  
18 the senate. The proceedings of the committee of the  
19 whole, including any roll call vote, shall be printed  
20 in the journal.

21 Any senator may at any time, except while voting or  
22 while a senator has the floor, move that "the committee  
23 rise" which is equivalent to a motion to adjourn.

24 After adoption of the motion to rise, the chair  
25 may report to the senate in the same manner as other  
26 committee reports are given.

27 Rule 20

28 Last Reading and Passage of Bills

29 When a motion to place a bill on its last reading is  
30 lost, the same motion shall be in order at any later

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1 time. After the last reading of a bill, no amendment  
2 shall be received. The vote on final passage shall be  
3 taken immediately without debate.

4 Rule 21

5 Engrossment of Bills

6 An engrossment is a proofreading and verification  
7 in order to be certain that a bill before the senate is  
8 identical with the original bill as introduced with all  
9 amendments which have been adopted correctly inserted.

10 In an engrossed bill, all obvious typographical,  
11 spelling or other clerical errors are corrected and  
12 section or paragraph numbers and internal references  
13 are changed as required to conform the original bill  
14 to any amendments which have been adopted. All such  
15 corrections or changes shall be reported in the journal  
16 by the secretary of the senate. The engrossed bill  
17 shall be placed in the bill file with the original bill  
18 and amendments.

19 Rule 22

20 Manner of Voting

21 On voice vote, the question shall be distinctly put  
22 in this form: "Those in favor of (the question) say  
23 "aye"." "Those opposed to (the question) say "no"."

24 A non-record or record roll call vote may be  
25 requested by any senator or ordered by the president  
26 any time before the results are announced. A  
27 non-record roll call shall be requested by asking for a  
28 "division". A record roll call shall be requested by  
29 asking for a "record". Upon request for a non-record  
30 or record roll call vote, the president shall announce

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1 that such a non-record or record roll call vote has  
2 been requested and shall state the question to be put  
3 to the senate. The president then shall direct the  
4 secretary of the senate to receive the votes.

5 Senators present may cast their votes, either  
6 by operating the voting mechanism located at their  
7 assigned desk or by signaling the president if they are  
8 unable to vote at their assigned desk. The president  
9 shall enter the votes of senators signaling their  
10 votes.

11 After sufficient time has elapsed for all senators  
12 present to record their votes, the president shall  
13 direct the secretary of the senate to close the voting  
14 system. The president shall still enter the senators'  
15 votes at any time prior to directing the secretary of  
16 the senate to lock the voting system. The president  
17 shall then immediately announce the vote.

18 During a ~~non-record or~~ record roll call vote, both  
19 individual votes and vote totals shall be indicated  
20 ~~openly~~ on the display boards and printed in the  
21 journal. On non-record roll calls, only vote totals  
22 shall be indicated on the display boards and printed in  
23 the journal.

24 In the event the electronic voting system is not  
25 in operating order, the president shall direct the  
26 secretary of the senate to take the non-record or  
27 record roll call by calling the names of the senators  
28 in alphabetical order.

29 Rule 23  
30 Duty of Voting



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1 Every senator present when a question is put shall  
2 vote "aye", "no" or "present" unless previously excused  
3 by the senate. Upon demand being made by any senator,  
4 the secretary of the senate shall call in alphabetical  
5 order the names of the senators not voting or voting  
6 "present". Those senators called shall vote "aye" or  
7 "no" unless the senator states a personal interest in  
8 the question or concludes that he or she should not  
9 vote under the senate code of ethics.

10 Rule 24

11 Reconsideration

12 When a main motion has been decided by the senate,  
13 any senator having voted on the prevailing side  
14 may move to reconsider the vote on the same or next  
15 legislative day. Motions to reconsider the vote on a  
16 bill or resolution shall be in writing and filed with  
17 the secretary of the senate.

18 Notwithstanding any time limitations applicable  
19 to motions to reconsider main motions, a motion to  
20 reconsider the vote on an amendment may be made at  
21 any time before final disposition of the motion to  
22 be amended. Such motion shall be in writing and  
23 filed with the secretary of the senate. A motion to  
24 reconsider an amendment to a main motion shall be taken  
25 up for consideration only prior to the disposition of  
26 the main motion or upon reconsideration of the main  
27 motion.

28 A constitutional majority by a record roll call is  
29 necessary to reconsider a bill or joint resolution.  
30 During three legislative days from the date the motion

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1 to reconsider a bill or resolution is filed, only the  
2 mover may call it up. Thereafter, any senator may call  
3 up the motion. If a date for adjournment has been set  
4 by resolution of the senate, any senator may call up  
5 a motion to reconsider at any time within three days  
6 prior to the date set for adjournment.

7 If the motion to reconsider a bill or resolution  
8 prevails, motions to reconsider amendments thereto  
9 shall be in order and shall be disposed of without  
10 delay.

11 A motion that any action taken by the senate be  
12 reconsidered and the motion to reconsider be laid upon  
13 the table shall be a single and indivisible motion,  
14 known as the double-barreled motion, which, if carried,  
15 shall have the effect of preventing reconsideration  
16 unless a motion to take from the table prevails.  
17 A constitutional majority is necessary for the  
18 double-barreled motion to prevail on a bill or joint  
19 resolution. The double-barreled motion can only be  
20 made from the floor after the vote is announced and the  
21 member who moved the final reading shall have priority  
22 in making it.

23 A motion to reconsider and lay on the table shall  
24 have priority over a motion to reconsider if they are  
25 both filed on the same legislative day.

26 In the event that a motion to reconsider is pending  
27 at the end of the first session or any extraordinary  
28 session of any general assembly, or the general  
29 assembly adjourns sine die, and the motion has not been  
30 voted upon by the senate, it shall be determined to



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1 have failed.

2 Rule 25

3 Suspension of Rules

4 No standing rule, rules incorporated by reference  
5 under Rule 3, or order of the senate shall be rescinded  
6 or suspended, except by unanimous consent of the senate  
7 or by an affirmative vote of a constitutional majority  
8 of the senate voting on a simple resolution.

9 INTRODUCTION AND FORM OF BILLS

10 Rule 26

11 Time and Method of Introducing Bills and Amendments

12 All bills to be introduced in the senate shall be  
13 typed in proper form by the legislative services agency  
14 and shall be filed with the recording clerk.

15 All amendments shall be typed in proper form and  
16 filed with the recording clerk not later than 4:30  
17 p.m., or adjournment, whichever is later, in order to  
18 be listed in the following day's clip sheet.

19 An "impact amendment" is an amendment which  
20 reasonably could have an annual effect of at least one  
21 hundred thousand dollars or a combined total effect  
22 within five years after enactment of five hundred  
23 thousand dollars or more on the aggregate revenues,  
24 expenditures or fiscal liability of the state or its  
25 subdivisions.

26 An impact amendment to a bill which has been on  
27 the ~~special order~~ calendar for at least three full  
28 legislative days prior to its consideration shall not  
29 be taken up by the senate unless:

30 1) a fiscal note is attached, and the amendment is



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1 filed at least one legislative day prior to the date  
2 set for consideration of the bill; or  
3 2) the amendment is an appropriation or other  
4 measure where the total effect is stated in dollar  
5 amounts.

6 Rule 27

7 Limit on Introduction of Bills

8 No bill or joint resolution, except bills and  
9 joint resolutions cosponsored by the majority and  
10 minority floor leaders, or companion bills and joint  
11 resolutions sponsored by the majority floor leaders of  
12 both houses, shall be introduced in the senate after  
13 4:30 p.m. on Friday of the fifth week of the first  
14 regular session of a general assembly unless a formal  
15 request for drafting the bill has been filed with the  
16 legislative services agency before that time. After  
17 adjournment of the first regular session, bills may  
18 be prefiled at any time before the convening of the  
19 second regular session. No bill shall be introduced  
20 after 4:30 p.m. on Friday of the second week of the  
21 second regular session of a general assembly unless a  
22 formal request for drafting the bill has been filed  
23 with the legislative services agency before that time.  
24 However, standing committees may introduce bills and  
25 joint resolutions at any time. A bill which relates  
26 to departmental rules sponsored by the administrative  
27 rules review committee and approved by a majority  
28 of the members of the committee in each house may  
29 be introduced at any time and must be referred to a  
30 standing committee which must take action on the bill

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1 within three weeks. Senate and concurrent resolutions  
2 may be introduced at any time.

3 No bill, joint resolution, concurrent resolution  
4 or senate resolution shall be introduced at any  
5 extraordinary session unless sponsored by a standing  
6 committee, the majority and minority floor leaders, or  
7 the committee of the whole.

8 Rule 28

9 Introduction, Reading, and Form of Bills and  
10 Resolutions

11 Every senate bill and resolution shall be introduced  
12 by one or more senators or by any standing committee  
13 of the senate and shall at once be given its first  
14 reading.

15 If the senate is in session when a bill or  
16 resolution is introduced, the first reading shall  
17 consist of reading its file number, the title and  
18 sponsor of the bill. If the senate is not in session  
19 but a journal is published for the day, the first  
20 reading shall consist of a journal entry of the bill's  
21 file number, title, sponsor and the notation "Read  
22 first time under Rule 28-".

23 Any bill or resolution approved for introduction by  
24 a standing committee during an interim period between  
25 sessions of one General Assembly shall be introduced  
26 without further action by the committee at the next  
27 succeeding regular session of the same General Assembly  
28 and placed immediately upon the regular calendar.

29 Every bill and resolution referred to committee  
30 shall have received two readings before its passage.



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1 The subject of every bill shall be expressed in its  
2 title.

3 Rule 29

4 Explanations

5 No bill, except appropriation committee bills and  
6 simple or concurrent resolutions, shall be introduced  
7 unless a concise and accurate explanation is attached.  
8 The chief sponsor or a committee to which the bill has  
9 been referred may add a revised explanation at any time  
10 before the last reading, and it shall be included in  
11 the daily clip sheet.

12 Rule 30

13 Resolutions

14 A "senate resolution" is a resolution acted upon  
15 only by the senate which relates to an accomplishment  
16 of national or international status; the dedication  
17 of a day by a statewide or national group; the  
18 one hundredth, one hundred twenty-fifth, or one  
19 hundred fiftieth anniversary of a local government  
20 or organization; the recognition of state ties to  
21 other governments; the retirement of a senator  
22 or long-time senate employee; or to rules and  
23 administrative matters, including the appointment  
24 of special committees, within the senate. A senate  
25 resolution requires the affirmative vote of a majority  
26 of the senators present and voting, unless otherwise  
27 required in these rules. A senate resolution shall  
28 be filed with the secretary of the senate. A senate  
29 resolution shall be printed in the bound journal after  
30 its adoption and in the daily journal upon written

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1 request to the secretary of the senate by the sponsor  
2 of the resolution. Other expressions of sentiment  
3 or recognition may be made with the issuance of a  
4 certificate of recognition.

5 Rule 31

6 Nullification Resolutions

7 A nullification resolution may be introduced  
8 by a standing committee, the administrative rules  
9 review committee, or any member of the senate.

10 A nullification resolution introduced by the  
11 administrative rules review committee or a member  
12 of the senate shall be referred to the same standing  
13 committee it would be referred to if it was a bill.

14 Any nullification resolution may be referred to the  
15 administrative rules review committee by a majority  
16 vote of the standing committee which introduced it  
17 or to which it was referred. The administrative  
18 rules review committee may seek an agreement with the  
19 affected administrative agency wherein the agency  
20 agrees to voluntarily rescind or modify a rule or rules  
21 relating to the subject matter of the nullification  
22 resolution. An agreement to voluntarily rescind  
23 or modify an administrative agency rule shall be in  
24 writing and signed by the chief administrative officer  
25 of the administrative agency and a majority of the  
26 administrative rules review committee members of each  
27 house and shall be placed on file in the offices of  
28 the chief clerk of the house, the secretary of the  
29 senate and the secretary of state. If an agreement is  
30 not reached, or the nullification resolution is not

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1 approved by a majority of the administrative rules  
2 review committee members of each house, within two  
3 weeks of the date the resolution is referred to the  
4 administrative rules review committee, the resolution  
5 shall be placed on the calendar. If the nullification  
6 resolution is approved by the administrative rules  
7 review committee it shall be placed on the calendar.  
8 A nullification resolution is subject to a motion to  
9 withdraw the nullification resolution as provided in  
10 rule 42.

11 A nullification resolution is debatable, but cannot  
12 be amended on the floor of the senate.

13 Rule 32

14 Resolutions, Applicable Rules

15 All rules applicable to bills shall apply to  
16 resolutions, except as otherwise provided in the rules.

17 Rule 33

18 Study Bills

19 1. A study bill is any matter which a senator  
20 wishes to have considered by a standing committee or  
21 appropriations subcommittee for introduction as a  
22 committee bill or resolution. The term "study bill"  
23 includes "proposed bills" provided for in Rule 37 and  
24 departmental requests prefiled in the manner specified  
25 in section 2.16 of the Code.

26 2. A study bill shall bear the name of the member  
27 who wishes to have the bill considered. A study bill  
28 proposed by a state agency shall bear the name of the  
29 agency. A committee chair may submit a study bill in  
30 the name of that committee.



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1     3. Upon first receiving a study bill from a  
2 senator, a committee chairperson shall submit three  
3 copies to the secretary of the senate. Study bills  
4 received in the secretary of the senate's office before  
5 3:00 p.m. shall be filed, numbered, and reported in  
6 the journal for that day. Study bills received in the  
7 secretary of the senate's office after 3:00 p.m. shall  
8 be filed, numbered, and reported in the journal for the  
9 subsequent day. The secretary shall number such bills  
10 in consecutive order. The secretary shall maintain a  
11 record of all study bills and their assigned number.  
12 Committee records shall refer to study bills by the  
13 number assigned by the secretary.

14     4. The secretary shall file a report in the journal  
15 of each study bill received. The report shall show  
16 the study bill number, its title or subject matter  
17 and the committee which is considering it. If a study  
18 bill is referred to a subcommittee, then the committee  
19 chairperson shall report in the journal the names of  
20 the subcommittee members to which it is assigned.

21     5. If a committee bill or resolution is introduced  
22 which was not previously the subject of a study bill  
23 in the sponsoring committee, the majority leader may  
24 re-refer the bill back to the committee.

25     6. A study bill not prepared by the legislative  
26 services agency may be submitted to a standing  
27 committee, but shall not be considered by the full  
28 committee unless reviewed and typed in proper form by  
29 the legislative services agency.

30                     COMMITTEES AND COMMITMENT





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1 Rule 34

2 Committee Appointments

3 Committee appointments shall be made by the majority  
4 leader for majority party members, after consultation  
5 with the president, and by the minority leader for  
6 minority party members, after consultation with the  
7 president. No senator shall serve on more than six  
8 standing committees. The majority leader, after  
9 consultation with the president, shall designate the  
10 chairperson and vice-chairperson of each standing  
11 committee. The minority leader, after consultation  
12 with the president, shall designate the ranking member  
13 of each standing committee from the minority membership  
14 of that committee.

15 Rule 35

16 Standing Committees

17 The names of the standing committees of the senate  
18 shall be:

19 Agriculture  
20 Appropriations  
21 Commerce  
22 Economic Growth/~~Rebuild Iowa~~  
23 Education  
24 Government Oversight  
25 Human Resources  
26 Judiciary  
27 Labor and Business Relations  
28 Local Government  
29 Natural Resources and Environment  
30 Rules and Administration

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1 State Government  
2 Transportation  
3 Veterans Affairs  
4 Ways and Means

5 Rule 36

6 Committee on Rules and Administration

7 The committee on rules and administration shall  
8 recommend rules and rule changes to the senate, shall  
9 hire senate employees, shall recommend salary scales  
10 for all senate employees, and shall oversee senate  
11 budget and administration matters.

12 The committee on rules and administration will  
13 select, for senate approval, an individual to serve as  
14 secretary of the senate.

15 The committee shall have the following standing  
16 subcommittees:

- 17 1. Joint Rules
- 18 2. Senate Rules
- 19 3. Administrative Services
- 20 4. Caucus Services

21 The majority leader shall serve as chair of the  
22 rules and administration committee and as chair of  
23 the standing subcommittee on caucus services. The  
24 president of the senate shall serve as vice-chair of  
25 the rules and administration committee, and as chair of  
26 the subcommittee on administrative services.

27 Rule 37

28 Appropriations Committee

29 The appropriations committee shall receive bills  
30 committed to it and shall assign each to one of the



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1 appropriations subcommittees.

2 The appropriations subcommittees shall be named:

3 Administration and Regulation

4 Agriculture and Natural Resources

5 Economic Development

6 Education

7 Health and Human Services

8 Justice System

9 Transportation, Infrastructure, and Capitals

10 The appropriations subcommittees shall receive

11 bills assigned to them or may originate proposed bills

12 within the subcommittee's jurisdiction as defined by

13 the appropriations committee for consideration by the

14 appropriations committee. Each subcommittee may submit

15 amendments to bills together with the subcommittee's

16 recommended action to the appropriations committee.

17 If a bill or proposed bill is submitted to the

18 appropriations committee by an appropriations

19 subcommittee the appropriations committee may:

20 1. report the bill or approve the proposed bill for

21 introduction by the appropriations committee;

22 2. report the bill with any appropriations

23 committee-approved amendments incorporated;

24 3. draft a new bill for sponsorship by the

25 appropriations committee and report it; or

26 4. re-refer it together with the appropriations

27 committee's objections to the appropriations

28 subcommittee from which it was originally referred or

29 which originated the draft bill.

30 The appropriations committee and subcommittees may



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1 meet jointly with the appropriations committee of the  
2 house of representatives.

3 Rule 38

4 First Reading and Commitment

5 Upon the first reading of an individual bill or  
6 resolution, or a house committee bill or resolution,  
7 the president shall refer the bill or resolution to  
8 an appropriate standing committee. If the bill or  
9 resolution is a senate committee bill or resolution,  
10 the president shall place it on the calendar after  
11 its first reading. If the subject of the bill or  
12 resolution is not germane to the title of the committee  
13 presenting it, the president of the senate may refer it  
14 to a committee deemed appropriate.

15 All bills carrying an appropriation for any purpose  
16 or involving the expenditure of state funds shall be  
17 referred to the committee on appropriations.

18 All bills pertaining to the levy, assessment or  
19 collection of taxes or fees shall be referred to the  
20 committee on ways and means.

21 Any bill which provides for a new state board,  
22 commission, agency or department or makes separate or  
23 autonomous an existing state board, commission, agency  
24 or department, shall be referred to the committee  
25 on state government. If the bill or resolution is  
26 so referred after being sponsored or reported out  
27 by another committee, and if the committee on state  
28 government does not report out the bill or resolution  
29 within ten legislative days after referral, the bill  
30 or resolution shall automatically be restored to the

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1 calendar with the same priority it had immediately  
2 before referral.

3 This rule shall also apply when such provisions are  
4 added to a bill or resolution by amendment adopted by  
5 the senate.

6 Rule 39

7 Rules for Standing Committees

8 The following rules shall govern all standing  
9 committees of the senate. Any committee may adopt  
10 additional rules which are consistent with these rules:

11 1. A majority of the members shall constitute a  
12 quorum.

13 2. The chair of a committee shall refer each bill  
14 and resolution to a subcommittee within seven days  
15 after the bill or resolution has been referred to  
16 the committee. The chair may appoint subcommittees  
17 for study of bills and resolutions without calling a  
18 meeting of the committee, but the subcommittee must  
19 be announced at the next meeting of the committee. No  
20 bill or resolution shall be reported out of a committee  
21 until the next meeting after the subcommittee is  
22 announced, except that the chair of the appropriations  
23 committee may make the announcement of the assignment  
24 to a subcommittee by placing a notice in the journal.  
25 Any bill so assigned by the appropriations committee  
26 chair shall be eligible for consideration by the  
27 committee upon report of the subcommittee but not  
28 sooner than three legislative days following the  
29 publication of the announcement in the journal.

30 When a bill or resolution has been assigned to a



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1 subcommittee, the chair shall report to the senate  
2 the bill or resolution number and the names of the  
3 subcommittee members and such reports shall be reported  
4 in the journal. Subcommittee assignments shall be  
5 reported to the journal daily. Reports filed before  
6 3:00 p.m. shall be printed in the journal for that  
7 day; reports filed after 3:00 p.m. shall be printed in  
8 the journal for the subsequent day.

9 Where standing subcommittees of any committee have  
10 been named, the names of the members and the title of  
11 the subcommittee shall be published once and thereafter  
12 publication of assignments may be made by indicating  
13 the title of the subcommittee.

14 3. No bill or resolution shall be considered by a  
15 committee until it has been referred to a subcommittee  
16 and the subcommittee has made its report unless  
17 otherwise ordered by a majority of the members.

18 4. The rules adopted by a committee, including  
19 subsections 2, 3, 9, 10, 11, and 12 of this rule, may  
20 be suspended by an affirmative vote of a majority of  
21 the members of the committee.

22 5. The affirmative vote of a majority of the  
23 members of a committee is needed to sponsor a committee  
24 bill or resolution or to report a bill or resolution  
25 out for passage.

26 6. The vote on all bills and resolutions shall be  
27 by roll call unless a short-form vote is unanimously  
28 agreed to by the committee. A record shall be kept by  
29 the secretary.

30 7. No committee, except a conference committee, is

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1 authorized to meet when the senate is in session.

2 8. A subcommittee shall not report a bill to the  
3 committee unless the bill has been typed into proper  
4 form by the legislative services agency.

5 9. A bill or resolution shall not be voted upon the  
6 same day a public hearing called under subsection 10 is  
7 held on that bill or resolution.

8 10. Public hearings may be called at the discretion  
9 of the chair. The chair shall call a public hearing  
10 upon the written request of one-half the membership of  
11 the committee. The chair shall set the time and place  
12 of the public hearing.

13 11. A subcommittee chair must notify the committee  
14 chair not later than one legislative day prior to  
15 bringing the bill or resolution before the committee.  
16 The committee cannot vote on a bill or resolution for  
17 at least one full day following the receipt of the  
18 subcommittee report by the chairperson.

19 12. A motion proposing action on a bill or  
20 resolution that has been defeated by a committee shall  
21 not be voted upon again at the same meeting of the  
22 committee.

23 13. Committee meetings shall be open.

24 Rule 40

25 Voting in Committee

26 All committee meetings shall be open at all times.  
27 Voting by secret ballot is prohibited. Roll call votes  
28 shall be taken in each committee when final action on  
29 any bill or resolution is voted, unless a short-form  
30 vote is unanimously agreed to by the committee. A roll

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1 call vote also shall be taken in each committee at the  
2 request of a member upon any amendment or motion. All  
3 results shall be entered in the minutes which shall be  
4 public records. Records of these votes shall be made  
5 available by the chair or the committee secretary at  
6 any time. This rule also applies to the appropriations  
7 subcommittees.

8 The committee shall not authorize the introduction  
9 of a committee bill or resolution until the members  
10 have received final copies of the bill or resolution  
11 with amendments or changes incorporated, and typed  
12 into proper form by the legislative services agency.  
13 The committee may, by unanimous consent, dispense with  
14 this requirement and instruct the legislative services  
15 agency to file a report with the committee members  
16 detailing the amendments or changes and this report  
17 shall become a part of the committee report.

18 Rule 41

19 Announcement of Committee Meetings

20 It shall be in order for the chair of any committee  
21 to announce to the senate the time and place of  
22 committee meetings. The announcement shall include a  
23 proposed agenda for the meeting. The sergeant-at-arms  
24 shall post at the rear of the chamber the daily  
25 schedule of committee meetings.

26 Rule 42

27 Withdrawal of Bills and Resolutions from Committee

28 The secretary of the senate shall note on each bill  
29 and resolution the date of its reference to committee.  
30 No bill or resolution shall be withdrawn from any





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1 committee within fifteen legislative days after the  
2 bill or resolution has been referred to the committee  
3 and thereafter only upon written petition for the  
4 withdrawal of such bill or resolution signed by a  
5 constitutional majority of the senators, except as  
6 provided in Rule 38. Only senators may circulate such  
7 a petition.

8 Rule 43

9 Committee Reports

10 All committees shall file a report of committee  
11 meetings. Such reports shall contain the following  
12 information:

- 13 a. The time the meeting convened;
- 14 b. Those senators who were present and absent at  
15 the time the meeting convened, as well as the time any  
16 senator, who was not present at the time the meeting  
17 convened, arrives for the meeting;
- 18 c. The vote on any bill or resolution reported out  
19 of the committee for floor action;
- 20 d. The title of the bill;
- 21 e. The file number of the bill or resolution (if  
22 known);
- 23 f. Whether the committee recommends that the  
24 bill or resolution be passed, amended and passed,  
25 indefinitely postponed, or considered without committee  
26 recommendation;
- 27 g. An indication of other bills or matters  
28 discussed;
- 29 h. Such other matters as the committee chair shall  
30 direct; and



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1 i. The time the meeting adjourned.

2 No committee report shall be read, but all committee  
3 reports shall be printed in the journal. Upon  
4 printing, all committee reports shall then stand  
5 approved unless the senate directs otherwise.

6 Rule 44

7 Bills or Resolutions Recommended for Indefinite  
8 Postponement

9 No senate bill or resolution recommended for  
10 indefinite postponement shall be considered in the  
11 absence of the chief sponsor or, if a house bill or  
12 resolution, in the absence of the senator representing  
13 the district in which the sponsor resides. When a  
14 question is postponed indefinitely, it shall not be  
15 again acted upon during that session of the general  
16 assembly.

17 GENERAL RULES

18 Rule 45

19 Access to Senate Chamber and Decorum

20 The persons who shall have access to the senate  
21 chamber, and the times access shall be available, and  
22 the rules governing activities in the chamber and other  
23 areas controlled by the senate shall be as prescribed  
24 by the rules and administration committee pursuant to a  
25 written policy adopted by the committee and filed with  
26 the secretary of the senate.

27 Rule 46

28 Legislative Interns and Aides

29 Legislative interns for senators shall be allowed  
30 on the floor of the senate in accordance with Rule 45;

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1 provided that each intern first has obtained a name  
2 badge from the secretary of the senate. The secretary  
3 of the senate shall issue an appropriate badge to all  
4 interns for senators.

5 Rule 47

6 Clearing of Lobby and Gallery

7 In case of disturbance or disorderly conduct in the  
8 lobby or gallery, the presiding officer may order it  
9 cleared.

10 Rule 48

11 Presentation of Petitions

12 Each petition shall contain a brief statement of its  
13 subject matter and the name of the senator presenting  
14 it. Petitions shall be filed with the secretary of the  
15 senate and noted in the journal.

16 Rule 49

17 Distribution of Printed Material

18 No general distribution of printed material in  
19 the senate shall be allowed unless authorized by the  
20 secretary of the senate or by a senator.

21 Rule 50

22 Concerning the Printing of Papers

23 Any paper, other than that contemplated by Section  
24 10, Article III of the Constitution of the State of  
25 Iowa, presented to the senate may, with the consent of  
26 a constitutional majority, be printed in the journal.

27 Rule 51

28 Reprinting of Documents

29 When any bill has been substantially amended by the  
30 senate, the secretary of the senate shall order the



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1 bill reprinted on paper of a different color. All  
2 adopted amendments inserting new material shall be  
3 distinguishable.

4 The secretary of the senate may order the printing  
5 of a reasonable number of additional copies of bills,  
6 resolutions, amendments or journals.

7 OFFICERS AND EMPLOYEES

8 Rule 52

9 Duties of the President

10 The senate shall elect, from its membership, a  
11 president. The president shall call the senate to  
12 order at the hour to which the senate is adjourned and  
13 shall proceed with the regular order of daily business.  
14 The president shall preserve order and decorum and  
15 decide all questions of order and corrections to the  
16 journal. The president shall direct voting as provided  
17 in rule 22. When a ruling on germaneness is issued by  
18 the presiding officer, it shall be accompanied by an  
19 explanation of the ruling. The president of the senate  
20 shall be the chair of the committee of the whole unless  
21 otherwise ordered by the senate, under rule 19.

22 Upon the first reading of an individual bill or  
23 resolution, or a house committee bill or resolution,  
24 the president shall refer the bill or resolution to  
25 the appropriate standing committee. If the bill or  
26 resolution is a senate committee bill or resolution,  
27 the president shall place it on the calendar after  
28 its first reading. If the subject of the bill or  
29 resolution is not germane to the title of the committee  
30 presenting it, the president of the senate may refer it

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1 to the appropriate committee.

2 The president shall sign legislative enactments upon  
3 their enrolling.

4 The president of the senate shall serve as a member  
5 of the legislative council and the senate rules and  
6 administration committee. The president shall serve  
7 on the rules and administration committee as chair of  
8 the standing subcommittee designated to supervise the  
9 secretary of the senate and other employees of the  
10 administrative services division of the senate.

11 Rule 53

12 The President Pro Tempore

13 The senate shall elect, from its membership, a  
14 president pro tempore. When the president is absent,  
15 the president pro tempore shall preside, except when  
16 the chair is filled by temporary appointment by the  
17 president or the majority leader.

18 The president pro tempore, when presiding, shall  
19 perform duties as prescribed in rule 52, paragraphs 1  
20 and 2.

21 The president pro tempore shall serve as a member of  
22 the legislative council and as a member of the senate  
23 committee on rules and administration.

24 Rule 54

25 Secretary of the Senate

26 The secretary of the senate shall be a nonpartisan  
27 officer of the senate and shall:

28 1. Serve as chief administrative officer of the  
29 senate.

30 2. Have charge of the secretary's desk.



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1 3. Be responsible for the custody and safekeeping  
2 of all bills, resolutions, and amendments filed, except  
3 while they are in the custody of a committee.

4 4. Have charge of the daily journal.

5 5. Have control of all rooms assigned for the use  
6 of the senate.

7 6. Keep a detailed record of senate action on all  
8 bills and resolutions.

9 7. Insert adopted amendments into bills before  
10 transmittal to the house of representatives and prior  
11 to final enrollment.

12 8. Prescribe the duties of and supervise all senate  
13 employees.

14 9. Authorize all expenditures of funds within the  
15 senate budget.

16 The secretary of the senate shall also act as senate  
17 parliamentarian and shall:

18 1. Advise the presiding officer of the senate about  
19 parliamentary procedures during deliberations of the  
20 senate.

21 2. Perform other duties as prescribed by the  
22 committee on rules and administration.

23 3. Process the handling of amendments when filed  
24 and during the floor consideration of bills.

25 Rule 55

26 Legal Counsel

27 The legal counsel shall be the secretary of the  
28 senate or a contractual employee of the senate and  
29 shall:

30 1. Serve as attorney and counselor for the senate.



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1     2. At the request of the majority or minority  
2 leaders, research any legal issue in which the senate  
3 has an interest. However, the legal counsel shall not  
4 issue nor venture any opinions on unresolved questions  
5 of law unless permitted by both the majority and  
6 minority leaders.

7                     Rule 56

8                     Sergeant-at-Arms

9     The sergeant-at-arms shall be an employee of the  
10 senate and shall:

11     1. Wear the appropriate badge of his or her office.

12     2. Attend the senate during its sessions.

13     3. Aid in the enforcement of order under the  
14 direction of the president of the senate and the  
15 secretary of the senate.

16     4. Execute the commands of the senate.

17     5. See that no unauthorized person disturbs the  
18 contents of the senators' desks.

19     6. Supervise the doorkeepers, the assistant  
20 sergeant-at-arms, and pages.

21     7. Announce all delegations from the governor or  
22 house.

23     8. Supervise the seating of visitors and press  
24 representatives.

25                     Rule 57

26                     Senate Secretaries

27     Every senator shall be permitted to employ for each  
28 session of a general assembly a personally selected  
29 secretary.

30                     Rule 58



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1                   Use of Electronic Voting System

2       Any officer or employee of the senate, other than  
3 a duly elected member of the senate, who operates the  
4 electronic voting machine mechanism located at the  
5 desk of said member of the senate shall be subject to  
6 immediate termination from employment. The provisions  
7 of this paragraph only shall apply during the taking  
8 of a record or non-record roll call vote utilizing the  
9 electronic voting system.

10                   CONFIRMATION OF APPOINTMENTS

11                               Rule 59

12                               Appointments

13       The secretary of the senate shall:

- 14       a. send, to each appointee submitted by the  
15 governor for senate confirmation, a copy of a  
16 senate questionnaire as approved by the rules and  
17 administration committee;
- 18       b. receive completed questionnaires from appointees  
19 and forward copies of the completed questionnaires to  
20 appropriate committee members;
- 21       c. maintain "Confirmation Calendar" categories  
22 on the senate calendar as directed under this rule,  
23 senate rule 6, and by the committee on rules and  
24 administration. No appointee shall be listed as  
25 eligible on the confirmation calendar until the  
26 secretary has received the appointee's completed senate  
27 questionnaire.

28       As soon as possible after the convening of a  
29 session, and again within one week following March  
30 1, the secretary of the senate shall publish in the

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1 senate journal the names of all nominees submitted  
2 for confirmation. The secretary of the senate shall  
3 maintain a file of all appointments received from the  
4 governor for confirmation. The file shall contain  
5 a description of the duties and the compensation  
6 for each nominee. The file shall show the date an  
7 appointment was received from the governor, the date  
8 the appointment was published in the journal, whether  
9 the nominee has been introduced, whether a committee  
10 report has been filed, when the senate questionnaire  
11 was sent to the appointee, and shall include a copy of  
12 the appointee's completed senate questionnaire, upon  
13 receipt.

14 INVESTIGATING COMMITTEES. All appointments received  
15 from the governor shall be referred to the rules  
16 and administration committee by the secretary of  
17 the senate on the same day they are published in  
18 the senate journal. The rules and administration  
19 committee shall establish an en bloc confirmation  
20 calendar which must be filed with the secretary of  
21 the senate. Within three (3) legislative days after  
22 receiving an appointment, the committee shall either  
23 place a nominee on the en bloc confirmation calendar  
24 or assign the nominee to an appropriate standing  
25 committee for further investigation, publishing notice  
26 of such assignment in the senate journal for the next  
27 legislative day. If the rules and administration  
28 committee fails to take action on a nominee within the  
29 three days, the nominee shall automatically be placed  
30 on the en bloc confirmation calendar.

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1 Within the three (3) legislative days after an  
2 appointment has been referred to the rules and  
3 administration committee, any ten senators may  
4 require that the nominee be assigned to an appropriate  
5 standing committee by filing a written, signed  
6 request therefor with the chairperson of the rules and  
7 administration committee. The committee chair shall  
8 refer the appointment to a subcommittee within one (1)  
9 legislative day after a standing committee receives  
10 an appointment for further investigation, publishing  
11 notice of such assignment in the senate journal for the  
12 next legislative day. Within ten (10) legislative days  
13 after a standing committee receives an appointment for  
14 further investigation the subcommittee shall file its  
15 report with the standing committee.

16 Within fourteen (14) legislative days after a  
17 standing committee receives an appointment for  
18 further investigation, the committee shall conduct  
19 an investigation of the nominee and file its report  
20 thereon with the secretary of the senate, who shall  
21 then place the nominee on the en bloc calendar or  
22 individual confirmation calendar as directed by  
23 the committee. The failure of a committee to file  
24 its report within the prescribed time means that  
25 the nominee is to be automatically placed, without  
26 recommendation, upon the individual confirmation  
27 calendar.

28 Any individual nominated to head a department or  
29 agency of state government, whose appointment is  
30 subject to senate confirmation, must be introduced

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1 to the full senate prior to a vote on confirmation  
2 of the nominee. Additionally, any five (5) senators  
3 may request that any nominee be introduced to the  
4 senate by filing a written request with the secretary  
5 of the senate within ten (10) legislative days of  
6 the nominee's name appearing in the journal. Any  
7 individual nominated to a position requiring senate  
8 confirmation may request to be introduced to the  
9 full senate by notifying the secretary of the senate  
10 at least one (1) legislative day in advance of the  
11 nominee's appearance. If an individual is nominated  
12 both to fill a vacancy for an unexpired term and is  
13 also nominated for reappointment to that position  
14 during the same session, a single introduction is  
15 sufficient for eligibility for confirmation to both  
16 terms.

17 HEARINGS. Any member of a committee investigating  
18 an appointment may, within five (5) legislative days  
19 after the committee receives the appointment, obtain  
20 a hearing with the nominee by filing a written request  
21 with the secretary of the senate who shall forward it  
22 to the chair of the standing committee and the chair  
23 of the subcommittee. Notice of the hearing shall be  
24 published in the journal at least two (2) legislative  
25 days prior to the hearing. At the hearing, which  
26 shall be before the subcommittee, the nominee may be  
27 questioned as to his or her qualifications to fulfill  
28 the office to which nominated and further questioned  
29 as to his or her viewpoints on issues facing the office  
30 to which nominated. Any senator may at the discretion

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1 of the chair of the subcommittee be permitted to submit  
2 oral questions. The public may, at the discretion of  
3 the investigating committee, be permitted to submit  
4 oral or written statements as to the qualifications of  
5 the nominee.

6 Also, within five (5) legislative days after the  
7 subcommittee receives an appointment for investigation,  
8 any senator may submit written questions to be answered  
9 by the nominee prior to consideration of the nominee's  
10 confirmation by the senate.

11 INFORMATIONAL MEETINGS. After a nominee has been  
12 placed on the calendar and prior to the vote on  
13 confirmation, any senator may request an informational  
14 meeting on the nomination which shall be held before  
15 the subcommittee.

16 VOTING ON CONFIRMATIONS. Upon the motion of the  
17 majority leader or his or her designee, the nominees on  
18 the en bloc confirmation calendar shall be confirmed  
19 en bloc by the affirmative vote of two-thirds of the  
20 members elected to the senate. The journal shall  
21 reflect a single roll call accompanied by a statement  
22 of the names of those individuals subject to the en  
23 bloc confirmation vote.

24 Prior to an en bloc vote, any senator may request,  
25 either in writing or from the floor, an individual vote  
26 on any nominee on the en bloc confirmation calendar.  
27 The senate shall vote separately on the nominee.

28 Nominees on the individual confirmation calendar  
29 shall be confirmed by a two-thirds vote; however, the  
30 senate shall take a separate roll call on each nominee,



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1 unless by unanimous consent, it determines to take one  
2 vote on all nominees under consideration. In any case,  
3 the journal shall reflect a single roll call vote for  
4 each nominee.

5 If an individual is nominated both to fill a vacancy  
6 for an unexpired term and is also nominated for  
7 reappointment to that position, and such appointment  
8 and reappointment appear on the senate calendar as  
9 eligible at the same time, a single vote is sufficient  
10 for confirmation to both terms.

11 Rule 60

12 Time of Committee Passage and Consideration of Bills

13 1. This rule does not apply to concurrent or  
14 simple resolutions, joint resolutions nullifying  
15 administrative rules, senate confirmations, bills  
16 embodying redistricting plans prepared by the  
17 legislative services agency pursuant to chapter  
18 42, or bills passed by both houses in different  
19 forms. Subsection 2 of this rule does not apply to  
20 appropriations bills, ways and means bills, government  
21 oversight bills, legalizing acts, administrative  
22 rules review committee bills, bills sponsored by  
23 standing committees in response to a referral from  
24 the president of the senate or the speaker of the  
25 house of representatives relating to an administrative  
26 rule whose effective date has been delayed until the  
27 adjournment of the next regular session of the general  
28 assembly by the administrative rules review committee,  
29 bills cosponsored by the majority and minority floor  
30 leaders of the senate, bills in conference committee,

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1 and companion bills sponsored by the majority floor  
2 leaders of both houses after consultation with the  
3 respective minority floor leaders. For the purposes of  
4 this rule, a joint resolution is considered as a bill.  
5 To be considered an appropriations or ways and means  
6 bill for the purposes of this rule, the appropriations  
7 committee or the ways and means committee must either  
8 be the sponsor of the bill or the committee of first  
9 referral in the senate.

10 2. To be placed on the calendar in the senate a  
11 senate bill must be first reported out of a standing  
12 committee by Friday of the 8th week of the first  
13 session and the 8th week of the second session. A  
14 house bill must be first reported out of a standing  
15 committee by Friday of the 12th week of the first  
16 session and the 11th week of the second session to be  
17 placed on the senate calendar.

18 3. During the 10th week of the first session and  
19 the 9th week of the second session, the senate shall  
20 consider only bills originating in the senate and  
21 unfinished business. During the 13th week of the first  
22 session and the 12th week of the second session, the  
23 senate shall consider only bills originating in the  
24 house and unfinished business. Beginning with the  
25 14th week of the first session and the 13th week of the  
26 second session, the senate shall consider only bills  
27 passed by both houses, bills exempt from subsection 2,  
28 and unfinished business.

29 4. A motion to reconsider filed and not disposed  
30 of on an action taken on a bill or resolution which is



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1 subject to a deadline under this rule may be called up  
2 at any time before or after the day of the deadline by  
3 the person filing the motion or after the deadline by  
4 the majority floor leader, notwithstanding any other  
5 rule to the contrary.

6 BE IT FURTHER RESOLVED, That should a system  
7 of deadlines for the time of committee passage and  
8 consideration of bills be adopted by joint action  
9 of the senate and house at any time during the  
10 ~~eighty-fourth~~ eighty-fifth general assembly, those  
11 provisions shall supersede the provisions of rule 60.



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**Senate Study Bill 1132 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON RAGAN)

**A BILL FOR**

1 An Act relating to licensure identification and display  
2 requirements and professional title and abbreviation  
3 restrictions for certain health-related professions and  
4 making penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.7, subsection 2, Code 2013, is  
2 amended to read as follows:

3 2. ~~This section shall not apply to a~~ A person who is  
4 licensed in another state and recognized for licensure in this  
5 state pursuant to the nurse licensure compact contained in  
6 section 152E.1 or pursuant to the advanced practice registered  
7 nurse compact contained in section 152E.3. ~~A person licensed~~  
8 ~~in another state and recognized for licensure in this state~~  
9 ~~pursuant to either compact~~ who has a primary site of practice  
10 shall, ~~however, maintain~~ display a copy of a license and  
11 evidence of current renewal issued by the person's home state  
12 ~~available for inspection~~ when engaged in the practice of  
13 nursing in this state.

14 Sec. 2. Section 147.72, Code 2013, is amended to read as  
15 follows:

16 **147.72 Professional titles and abbreviations.**

17 1. a. Any person licensed to practice a profession under  
18 this subtitle may append to the person's name any recognized  
19 title or abbreviation, which the person is entitled to use,  
20 to designate the person's particular profession, but no other  
21 person shall assume or use such title or abbreviation, and no  
22 licensee shall advertise in such a manner as to lead the public  
23 to believe that the licensee is engaged in the practice of any  
24 other profession than the one which the licensee is licensed  
25 to practice.

26 b. Any advertisement for services provided by a person  
27 licensed to practice a profession under this subtitle shall  
28 clearly identify the license held by the person advertising or  
29 providing services, consistent with this subtitle.

30 2. A board shall require any person licensed to practice a  
31 profession identified under section 147.74 to do the following  
32 when directly engaging a member of the public in the practice  
33 of the person's profession:

34 a. Wear a form of identification consistent with rules  
35 promulgated by the department in collaboration with each

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1 applicable board, unless wearing identification creates a  
2 safety or health risk. The rules shall establish uniform  
3 minimum standards for identification. Minimum standards  
4 shall include prominent display of the professional title and  
5 abbreviation of the licensee as set forth in section 147.74.

6 b. If wearing identification creates a safety or health  
7 risk, the licensee shall verbally disclose the license the  
8 licensee holds.

9 3. Persons licensed pursuant to section 148.5 shall also  
10 comply with the requirements of subsection 2 of this section  
11 consistent with rules adopted by the board of medicine.

12 4. Failure of a licensee to comply with the requirements  
13 set forth in subsection 2 and the rules adopted thereunder may  
14 constitute a basis for board action against the licensee.

15 Sec. 3. Section 147.74, subsection 21, Code 2013, is amended  
16 to read as follows:

17 21. An advanced registered nurse practitioner licensed  
18 under chapter 152 may use the words "advanced registered nurse  
19 practitioner" or the letters "A.R.N.P." after the person's  
20 name. A registered nurse licensed under chapter 152 may use  
21 the words "registered nurse" or the letters "R.N." after the  
22 person's name. A licensed practical nurse licensed under  
23 chapter 152 may use the words "licensed practical nurse" or the  
24 letters "L.P.N." after the person's name.

25 EXPLANATION

26 This bill makes changes relating to licensure identification  
27 and display and to professional title and abbreviation  
28 restrictions for certain health-related professions.

29 The bill provides that a person recognized for licensure in  
30 Iowa under the nursing compact in Code chapter 152E who has a  
31 primary site of practice is required to display evidence of  
32 current renewal of the license, in addition to the license.

33 The bill requires that any advertisement for services  
34 provided by a person licensed in a health-related profession  
35 clearly identify the license held by the person advertising or

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1 providing services.

2 The bill requires persons licensed in health-related  
3 professions whose professional title and abbreviation  
4 is designated by Code section 147.74 to wear a form of  
5 identification based on standards promulgated by rule by  
6 the department of public health in collaboration with each  
7 applicable licensing board. The bill also provides that this  
8 requirement applies to resident physicians licensed under Code  
9 section 148.5.

10 The bill also authorizes an advanced registered nurse  
11 practitioner to use the words "advanced registered nurse  
12 practitioner" or the acronym "A.R.N.P.". Current law provides  
13 that a person who fails to properly use the designations  
14 specified in statute is guilty of a simple misdemeanor. A  
15 simple misdemeanor is punishable by confinement for no more  
16 than 30 days or a fine of at least \$65 but not more than \$625  
17 or both.



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**Senate Study Bill 1133 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

**A BILL FOR**

1 An Act relating to service providers under Medicaid home and  
2 community-based services waivers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135C.6, subsection 8, paragraph c,  
2 unnumbered paragraph 1, Code 2013, is amended to read as  
3 follows:

4 A residential program approved by the department of human  
5 services pursuant to this paragraph "c" to receive moneys  
6 appropriated to the department of human services under  
7 provisions of a federally approved home and community-based  
8 services habilitation or ~~waiver for persons with intellectual~~  
9 ~~disabilities~~ program may provide care to not more than five  
10 individuals. The department shall approve a residential  
11 program under this paragraph that complies with all of the  
12 following conditions:

13 Sec. 2. 2010 Iowa Acts, chapter 1031, section 351, is  
14 amended to read as follows:

15 SEC. 351. MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER  
16 ~~PAYMENTS UTILIZATION~~ — REVIEW. The Beginning July 1, 2013,  
17 the department of human services shall evaluate ~~payment records~~  
18 utilization data and determine the proper mechanism to trigger  
19 a review of ~~payments~~ medical necessity for services provided  
20 under each home and community-based services waiver ~~that are in~~  
21 ~~excess of the median amount for payments through the applicable~~  
22 ~~waiver~~. Following development of the trigger mechanism, the  
23 department shall require advance approval for services for  
24 which ~~payment~~ utilization is projected to exceed the ~~median~~  
25 trigger mechanism as applicable to each waiver service. The  
26 use of a trigger mechanism and the approval process is intended  
27 to preserve necessary services while preventing overuse of  
28 services.

29 EXPLANATION

30 This bill involves provisions relating to Medicaid home and  
31 community-based services (HCBS) waivers.

32 The bill amends a provision in the health facilities  
33 licensing chapter (Code chapter 135C) that provides an  
34 exemption from licensing as a health care facility for certain  
35 residential programs to which the department of human services

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1 (DHS) applies accreditation, certification, or standards of  
2 review. The bill broadens the exemption for residential  
3 programs that provide care to not more than five individuals  
4 that are approved by DHS to receive moneys under an HCBS  
5 waiver, by removing the limitation to only HCBS waivers for  
6 persons with intellectual disabilities and instead providing  
7 for application of the exemption to residential programs  
8 approved by DHS to receive moneys under HCBS habilitation or  
9 waiver programs.

10 The bill also amends a provision in 2010 Iowa Acts relating  
11 to evaluation of Medicaid HCBS waiver payments, to instead  
12 require that, beginning July 1, 2013, DHS evaluate utilization  
13 data and determine the proper mechanism to trigger a review of  
14 medical necessity for services provided under each home and  
15 community-based services waiver. Following development of the  
16 trigger mechanism, DHS is required to provide advance approval  
17 for services for which utilization is projected to exceed the  
18 trigger mechanism as applicable to each waiver service.



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**Senate Study Bill 1134 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

1 An Act relating to electronic payment transactions by  
2 prohibiting the collection of interchange fees on specified  
3 taxes and fees, providing penalties, and including  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **424A.1 Definitions.**

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "*Electronic payment transaction*" means a transaction  
5 in which a person uses a debit card, credit card, or other  
6 payment code or device, issued or approved through a payment  
7 card network to debit an asset account or use a line of  
8 credit, whether authorization is based on signature, personal  
9 identification number, or other means.

10 2. "*Interchange fee*" means any fee established, charged,  
11 or received by a payment card network for the purpose of  
12 compensating the issuer for its involvement in an electronic  
13 payment transaction.

14 3. "*Issuer*" means any person who issues a debit card or  
15 credit card, or the issuer's agent.

16 4. "*Payment card network*" means an entity that directly,  
17 or through licensed members, processors, or agents, provides  
18 the proprietary services, infrastructure, and software that  
19 route information and data to conduct debit card or credit  
20 card transaction authorization, clearance, and settlement, and  
21 that a merchant or seller uses in order to accept as a form of  
22 payment a brand of debit card, credit card, or other device  
23 that may be used to carry out debit or credit transactions.

24 5. "*Settlement*" means the transfer of funds from a  
25 customer's account to a seller or merchant upon electronic  
26 submission of finalized sales transactions to the payment card  
27 network.

28 Sec. 2. NEW SECTION. **424A.2 Interchange fees — limitation.**

29 The amount of any tax or fee imposed by state or local  
30 government that is calculated as a percentage of an electronic  
31 payment transaction amount and listed separately on the payment  
32 invoice or other demand for payment, or the amount of any  
33 fuel taxes imposed under chapter 452A, shall be excluded from  
34 the amount of an interchange fee charged for that electronic  
35 payment transaction.

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1     Sec. 3. NEW SECTION.   **424A.3 Circumvention prohibited.**

2     It shall be unlawful to alter or manipulate the computation  
3 and imposition of interchange fees by increasing the rate or  
4 amount of fee applicable to or imposed upon that portion of an  
5 electronic payment transaction not attributable to a state or  
6 local tax or fee to circumvent the effect of section 424A.2.

7     Sec. 4. NEW SECTION.   **424A.4 Deduction or rebate —**  
8 **settlement procedure.**

9     A payment card network shall either deduct the amount of  
10 any tax or fee imposed as described in section 424A.2 from the  
11 calculation of interchange fees specific to each form or type  
12 of electronic payment transaction at the time of settlement  
13 or shall rebate an amount of interchange fee proportionate  
14 to the amount attributable to the tax or fee. The deduction  
15 or rebate shall occur at the time of settlement when the  
16 merchant or seller is able to capture and transmit tax or fee  
17 amounts relevant to the sale at the time of sale as part of the  
18 transaction finalization. If the merchant or seller is unable  
19 to capture and transmit tax or fee amounts relevant to the sale  
20 at the time of sale, the payment card network shall accept  
21 proof of tax or fee amounts collected on sales subject to an  
22 interchange fee upon the submission of sales data by the seller  
23 or merchant and shall promptly credit the merchant or seller's  
24 settlement account.

25     Sec. 5. NEW SECTION.   **424A.5 Enforcement — penalty.**

26     1. The provisions of this chapter are subject to the powers  
27 and authority of the attorney general or the attorney general's  
28 designee.

29     2. If a court finds in an action brought by the attorney  
30 general, or the attorney general's designee, that a person  
31 has intentionally violated a provision of this chapter, the  
32 person shall be subject to a civil penalty of not less than  
33 one thousand dollars nor more than five thousand dollars for  
34 each violation. In addition, a person paying interchange fees  
35 imposed in violation of this chapter may bring an action at law

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1 to recover actual damages. The court may order such equitable  
2 relief as it deems necessary, including temporary and permanent  
3 injunctive relief.

4 Sec. 6. NEW SECTION. **424A.6 Nonseverability.**

5 In the event that any provision of this chapter or its  
6 application is held to be invalid with regard to a federally  
7 chartered bank or other financial institution, it shall be  
8 held equally invalid with regard to a financial institution  
9 licensed by or operating within this state, and to this end the  
10 provisions of this chapter are not severable.

11 Sec. 7. NEW SECTION. **537C.1 Interchange fees —**  
12 **computation.**

13 The computation of an interchange fee established, charged,  
14 or received by a payment card network for the purpose of  
15 compensating the issuer for its involvement in an electronic  
16 payment transaction, as those terms are defined in section  
17 424A.1, shall be governed by the provisions of chapter 424A.

18 Sec. 8. **APPLICABILITY.** This Act is applicable to electronic  
19 payment transactions processed on or after July 1, 2013.

20 **EXPLANATION**

21 This bill prohibits the imposition of interchange fees on  
22 specified portions of electronic payment transactions.

23 The bill contains several definitions. The bill defines an  
24 "electronic payment transaction" to mean a transaction in which  
25 a person uses a debit card, credit card, or other payment code  
26 or device, issued or approved through a payment card network  
27 to debit an asset account or use a line of credit, whether  
28 authorization is based on signature, personal identification  
29 number, or other means. The bill defines an "interchange fee"  
30 to mean any fee established, charged, or received by a payment  
31 card network for the purpose of compensating the issuer for  
32 its involvement in an electronic payment transaction. The  
33 bill defines an "issuer" to mean any person who issues a debit  
34 card, credit card, or the issuer's agent. The bill defines  
35 "payment card network" to mean an entity that directly, or

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1 through licensed members, processors, or agents, provides  
2 the proprietary services, infrastructure, and software that  
3 route information and data to conduct debit card or credit  
4 card transaction authorization, clearance, and settlement, and  
5 that a merchant or seller uses in order to accept as a form of  
6 payment a brand of debit card, credit card, or other device  
7 that may be used to carry out debit or credit transactions.  
8 The bill defines "settlement" to mean the transfer of funds  
9 from a customer's account to a seller or merchant upon  
10 electronic submission of finalized sales transactions to the  
11 payment card network.

12 The bill provides that the amount of any tax or fee imposed  
13 by state or local government that is calculated as a percentage  
14 of the payment amount and listed separately on the payment  
15 invoice or other demand for payment, or the amount of any  
16 state fuel taxes imposed, shall be excluded from the amount  
17 of an interchange fee charged for the purpose of completing  
18 an electronic payment transaction. The bill provides that it  
19 shall be unlawful to alter or manipulate these provisions by  
20 increasing the rate or amount of fee applicable to or imposed  
21 upon that portion of an electronic payment transaction not  
22 attributable to a state or local tax or fee.

23 The bill's provisions are subject to the powers and  
24 authority of the attorney general or the attorney general's  
25 designee. The bill provides for a civil penalty if a person  
26 has intentionally violated the bill's provisions of not  
27 less than \$1,000 nor more than \$5,000 for each violation.  
28 Additionally, the bill provides that a person paying  
29 interchange fees imposed in violation of this chapter may  
30 bring an action at law to recover actual damages, and that the  
31 court may order such equitable relief as it deems necessary,  
32 including temporary and permanent injunctive relief.

33 The bill specifies procedures for exclusion of taxes or fees  
34 from the computation of interchange fees. The bill provides  
35 that a payment card network shall either deduct the amount



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1 of any tax or fee from the calculation of interchange fees  
2 specific to each form or type of electronic payment transaction  
3 at the time of settlement, or rebate an amount of interchange  
4 fee proportionate to the amount attributable to the tax or fee.  
5 The bill provides that the deduction or rebate shall occur at  
6 the time of settlement when the merchant or seller is able to  
7 capture and transmit tax or fee amounts relevant to the sale at  
8 the time of sale as part of the transaction finalization. In  
9 the event that the merchant or seller is unable to capture and  
10 transmit tax or fee amounts relevant to the sale at the time of  
11 sale, such as when the tax or fee is collected at the wholesale  
12 level or when a credit or debit card terminal is incapable  
13 of capturing and transmitting tax or fee amounts, the bill  
14 provides that the payment card network shall accept proof of  
15 tax or fee amounts collected on sales subject to an interchange  
16 fee upon the submission of sales data by the seller or merchant  
17 and shall promptly credit the merchant or seller's settlement  
18 account.

19 The bill provides that in the event that any provision  
20 contained in the bill or its application is held to be invalid  
21 with regard to a federally chartered bank or other financial  
22 institution, it shall be held equally invalid with regard to a  
23 financial institution licensed by or operating within Iowa.

24 The bill includes a provision in Title XIII of the Code,  
25 governing commerce, indicating that the computation of an  
26 interchange fee established, charged, or received by a payment  
27 card network for the purpose of compensating the issuer for  
28 its involvement in an electronic payment transaction shall be  
29 governed by the provisions of Code chapter 424A, as created in  
30 the bill.

31 The bill is applicable to electronic payment transactions  
32 processed on or after July 1, 2013.



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**Senate Study Bill 1135 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

1 An Act establishing a property tax credit for commercial,  
2 industrial, and railway property, providing penalties,  
3 making appropriations, and including implementation and  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 331.512, Code 2013, is amended by adding  
2 the following new subsection:  
3 NEW SUBSECTION. 4A. Carry out duties relating to the  
4 business property tax credit as provided in chapter 426C.  
5 Sec. 2. Section 331.559, Code 2013, is amended by adding the  
6 following new subsection:  
7 NEW SUBSECTION. 14A. Carry out duties relating to the  
8 business property tax credit as provided in chapter 426C.  
9 Sec. 3. NEW SECTION. **426C.1 Definitions.**  
10 For the purposes of this chapter, unless the context  
11 otherwise requires:  
12 1. *"Contiguous parcels"* means any of the following:  
13 a. Parcels that share a common boundary.  
14 b. Parcels within the same building or structure regardless  
15 of whether the parcels share a common boundary.  
16 c. Permanent improvements to the land that are situated  
17 on one or more parcels of land that are assessed and taxed  
18 separately from the permanent improvements if the parcels of  
19 land upon which the permanent improvements are situated share  
20 a common boundary.  
21 2. *"Department"* means the department of revenue.  
22 3. *"Fund"* means the business property tax credit fund  
23 created in section 426C.2.  
24 4. *"Parcel"* means as defined in section 445.1.  
25 5. *"Property unit"* means contiguous parcels all of which  
26 are located within the same county, with the same property tax  
27 classification, are owned by the same person, and are operated  
28 by that person for a common use and purpose.  
29 Sec. 4. NEW SECTION. **426C.2 Business property tax credit**  
30 **fund — appropriation.**  
31 1. A business property tax credit fund is created in the  
32 state treasury under the authority of the department. For the  
33 fiscal year beginning July 1, 2014, there is appropriated from  
34 the general fund of the state to the department to be credited  
35 to the fund, the sum of fifty million dollars to be used for



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1 business property tax credits authorized in this chapter.  
2 For the fiscal year beginning July 1, 2015, and each fiscal  
3 year thereafter, there is appropriated from the general fund  
4 of the state to the department to be credited to the fund an  
5 amount equal to the total amount appropriated by the general  
6 assembly to the fund, as calculated in this subsection, in the  
7 previous fiscal year. In addition, the sum of fifty million  
8 dollars shall be added to the appropriation in each fiscal year  
9 beginning on or after July 1, 2015, if the revenue estimating  
10 conference certifies during its final meeting of the calendar  
11 year ending prior to the beginning of the fiscal year that  
12 the total amount of general fund revenues collected during  
13 the fiscal year ending during such calendar year was at least  
14 one hundred four percent of the total amount of general fund  
15 revenues collected during the previous fiscal year. However,  
16 the total appropriation to the fund shall not exceed two  
17 hundred fifty million dollars for any one fiscal year.

18 2. Notwithstanding section 12C.7, subsection 2, interest or  
19 earnings on moneys deposited in the fund shall be credited to  
20 the fund. Moneys in the fund are not subject to the provisions  
21 of section 8.33 and shall not be transferred, used, obligated,  
22 appropriated, or otherwise encumbered except as provided in  
23 this chapter.

24 Sec. 5. NEW SECTION. **426C.3 Claims for credit.**

25 1. Each person who wishes to claim the credit allowed  
26 under this chapter shall obtain the appropriate forms from the  
27 assessor and file the claim with the assessor. The director  
28 of revenue shall prescribe suitable forms and instructions for  
29 such claims, and make such forms and instructions available to  
30 the assessors.

31 2. a. Claims for the business property tax credit shall be  
32 filed not later than March 15 preceding the fiscal year during  
33 which the taxes for which the credit is claimed are due and  
34 payable.

35 b. A claim for credit filed after the deadline for filing



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1 claims shall be considered as a claim for the following year.  
2 3. Upon the filing of a claim and allowance of the credit,  
3 the credit shall be allowed on the parcel or property unit for  
4 successive years without further filing as long as the parcel  
5 or property unit satisfies the requirements for the credit. If  
6 the parcel or property unit ceases to qualify for the credit  
7 under this chapter, the owner shall provide written notice  
8 to the assessor by the date for filing claims specified in  
9 subsection 2 following the date on which the parcel or property  
10 unit ceases to qualify for the credit.  
11 4. The assessor shall remit the claims for credit to the  
12 county auditor with the assessor's recommendation for allowance  
13 or disallowance. If the assessor recommends disallowance  
14 of a claim, the assessor shall submit the reasons for the  
15 recommendation, in writing, to the county auditor. The county  
16 auditor shall forward the claims and recommendations to the  
17 board of supervisors. The board shall allow or disallow the  
18 claims.  
19 5. For each claim and allowance of a credit for a property  
20 unit, the county auditor shall calculate the average of all  
21 consolidated levy rates applicable to the several parcels  
22 within the property unit. All claims for credit which have  
23 been allowed by the board of supervisors, the actual value of  
24 such parcels and property units applicable to the fiscal year  
25 for which the credit is claimed that are subject to assessment  
26 and taxation prior to imposition of any applicable assessment  
27 limitation, the consolidated levy rates for such parcels and  
28 the average consolidated levy rates for such property units  
29 applicable to the fiscal year for which the credit is claimed,  
30 and the taxing districts in which the parcel or property unit  
31 is located, shall be certified on or before June 30, in each  
32 year, by the county auditor to the department.  
33 6. The assessor shall maintain a permanent file of current  
34 business property tax credits. The assessor shall file a  
35 notice of transfer of property for which a credit has been





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1 allowed when notice is received from the office of the county  
2 recorder, from the person who sold or transferred the property,  
3 or from the personal representative of a deceased property  
4 owner. The county recorder shall give notice to the assessor  
5 of each transfer of title filed in the recorder's office. The  
6 notice from the county recorder shall describe the property  
7 transferred, the name of the person transferring title to the  
8 property, and the name of the person to whom title to the  
9 property has been transferred.

10 7. When all or a portion of a parcel or property unit that  
11 is allowed a credit under this chapter is sold, transferred,  
12 or ownership otherwise changes, the buyer, transferee, or  
13 new owner who wishes to receive the credit shall refile the  
14 claim for credit. In addition, when a portion of a parcel or  
15 property unit that is allowed a credit under this chapter is  
16 sold, transferred, or ownership otherwise changes, the owner of  
17 the portion of the parcel or property unit for which ownership  
18 did not change shall refile the claim for credit.

19 Sec. 6. NEW SECTION. **426C.4 Eligibility and amount of**  
20 **credit.**

21 1. Each parcel classified and taxed as commercial property,  
22 industrial property, or railway property under chapter 434 is  
23 eligible for a credit under this chapter. A person may claim  
24 and receive one credit under this chapter for each eligible  
25 parcel unless the parcel is part of a property unit for which a  
26 credit is claimed. A person may claim and receive one credit  
27 under this chapter for each property unit. A credit approved  
28 for a property unit shall be allocated to the several parcels  
29 within the property unit in the proportion that each parcel's  
30 total amount of property taxes due and payable bears to the  
31 total amount of property taxes due and payable on the property  
32 unit. Only property units comprised of property assessed as  
33 commercial property, industrial property, or railway property  
34 under chapter 434 are eligible for a credit under this chapter.  
35 However, property that is rented or leased to low-income

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1 individuals and families as authorized by section 42 of the  
2 Internal Revenue Code, as amended, and that is subject to  
3 assessment procedures relating to section 42 property under  
4 section 441.21, subsection 2, for the applicable assessment  
5 year, shall not be eligible to receive a credit under this  
6 chapter or be part of a property unit that receives a credit  
7 under this chapter.

8     2. Using the actual value of each parcel or property unit  
9 and the consolidated levy rate for each parcel or the average  
10 consolidated levy rate for each property unit, as certified  
11 by the county auditor to the department under section 426C.3,  
12 subsection 5, the department shall calculate, for each fiscal  
13 year, an initial amount of actual value for use in determining  
14 the amount of the credit for each such parcel or property  
15 unit so as to provide the maximum possible credit according  
16 to the credit formula and limitations under subsection 3,  
17 and to provide a total dollar amount of credits against the  
18 taxes due and payable in the fiscal year equal to ninety-eight  
19 percent of the moneys in the fund following the deposit of the  
20 appropriation for the fiscal year and including interest or  
21 earnings credited to the fund.

22     3. a. The amount of the credit for each parcel or property  
23 unit for which a claim for credit under this chapter has been  
24 approved shall be calculated under paragraph "b" using the  
25 lesser of the initial amount of actual value determined by the  
26 department under subsection 2, and the amount of actual value  
27 of the parcel or property unit certified by the county auditor  
28 under section 426C.3, subsection 5.

29     b. The amount of the credit for each parcel or property  
30 unit for which a claim for credit under this chapter has been  
31 approved shall be equal to the product of the amount of actual  
32 value determined under paragraph "a" times the difference,  
33 stated as a percentage, between the assessment limitation  
34 percentage applicable to the parcel or property unit under  
35 section 441.21, subsection 5, and the assessment limitation



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1 percentage applicable to residential property under section  
2 441.21, subsection 4, divided by one thousand dollars, and  
3 then multiplied by the consolidated levy rate or average  
4 consolidated levy rate per one thousand dollars of taxable  
5 value applicable to the parcel or property unit for the fiscal  
6 year for which the credit is claimed as certified by the county  
7 auditor under section 426C.3, subsection 5.

8 Sec. 7. NEW SECTION. **426C.5 Payment to counties.**

9 1. Annually the department shall certify to the county  
10 auditor of each county the amounts of the business property  
11 tax credits allowed in the county. Each county auditor shall  
12 then enter the credits against the tax levied on each eligible  
13 parcel or property unit in the county, designating on the tax  
14 lists the credit as being paid from the fund. Each taxing  
15 district shall receive its share of the business property tax  
16 credit allowed on each eligible parcel or property unit in  
17 such taxing district in the proportion that the levy made by  
18 such taxing district upon the parcel or property unit bears  
19 to the total levy upon the parcel or property unit by all  
20 taxing districts. However, the several taxing districts shall  
21 not draw the moneys so credited until after the semiannual  
22 allocations have been received by the county treasurer, as  
23 provided in this section. Each county treasurer shall show on  
24 each taxpayer receipt the amount of credit received from the  
25 fund.

26 2. The director of revenue shall authorize the department of  
27 administrative services to draw warrants on the fund payable to  
28 the county treasurers of the several counties of the state in  
29 the amounts certified by the department.

30 3. The amount due each county shall be paid in two payments  
31 on November 15 and March 15 of each fiscal year, drawn upon  
32 warrants payable to the respective county treasurers. The two  
33 payments shall be as nearly equal as possible.

34 Sec. 8. NEW SECTION. **426C.6 Appeals.**

35 1. If the board of supervisors disallows a claim for credit

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1 under section 426C.3, subsection 4, the board of supervisors  
2 shall send written notice, by mail, to the claimant at the  
3 claimant's last known address. The notice shall state the  
4 reasons for disallowing the claim for the credit. The board  
5 of supervisors is not required to send notice that a claim for  
6 credit is disallowed if the claimant voluntarily withdraws  
7 the claim. Any person whose claim is disallowed under the  
8 provisions of this chapter may appeal from the action of the  
9 board of supervisors to the district court of the county in  
10 which the parcel or property unit is located by giving written  
11 notice of such appeal to the county auditor within twenty days  
12 from the date of mailing of notice of such action by the board  
13 of supervisors.

14 2. If a claim for credit is disallowed by the board of  
15 supervisors, and such action is subsequently reversed on  
16 appeal, the credit shall be allowed on the applicable parcel or  
17 property unit, and the director of revenue, the county auditor,  
18 and the county treasurer shall provide the credit and change  
19 their books and records accordingly. In the event the claimant  
20 has paid one or both of the installments of the tax payable  
21 in the year or years in question, remittance shall be made to  
22 the claimant of the amount of such credit. The amount of such  
23 credit awarded on appeal shall be allocated and paid from the  
24 balance remaining in the fund.

25 Sec. 9. NEW SECTION. **426C.7 Audit — recalculation or**  
26 **denial.**

27 1. If on the audit of a credit provided under this chapter,  
28 the director of revenue determines the amount of the credit  
29 to have been incorrectly calculated or that the credit is  
30 not allowable, the director shall recalculate the credit and  
31 notify the claimant and the county auditor of the recalculation  
32 or denial and the reasons for it. The director shall not  
33 adjust a credit after three years from October 31 of the year  
34 in which the claim for the credit was filed. If the credit  
35 has been paid, the director shall give notification to the



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1 claimant, the county treasurer, and the applicable assessor  
2 of the recalculation or denial of the credit and the county  
3 treasurer shall proceed to collect the tax owed in the same  
4 manner as other property taxes due and payable are collected,  
5 if the parcel or property unit for which the credit was allowed  
6 is still owned by the claimant. If the parcel or property unit  
7 for which the credit was allowed is not owned by the claimant,  
8 the amount may be recovered from the claimant by assessment in  
9 the same manner that income taxes are assessed under sections  
10 422.26 and 422.30. The amount of such erroneous credit, when  
11 collected, shall be deposited in the fund.

12 2. The claimant or board of supervisors may appeal any  
13 decision of the director of revenue to the state board of tax  
14 review pursuant to section 421.1, subsection 5. The claimant,  
15 the board of supervisors, or the director of revenue may seek  
16 judicial review of the action of the state board of tax review  
17 in accordance with chapter 17A.

18 Sec. 10. NEW SECTION. **426C.8 False claim — penalty.**

19 A person who makes a false claim for the purpose of obtaining  
20 a credit provided for in this chapter or who knowingly receives  
21 the credit without being legally entitled to it is guilty of a  
22 fraudulent practice. The claim for a credit of such a person  
23 shall be disallowed and if the credit has been paid the amount  
24 shall be recovered in the manner provided in section 426C.7.  
25 In such cases, the director of revenue shall send a notice of  
26 disallowance of the credit.

27 Sec. 11. NEW SECTION. **426C.9 Rules.**

28 The director of revenue shall prescribe forms, instructions,  
29 and rules as necessary, pursuant to chapter 17A, to carry out  
30 and effectuate the purposes of this chapter.

31 Sec. 12. IMPLEMENTATION. Notwithstanding the deadline  
32 for filing claims established in section 426C.3, for a credit  
33 against property taxes due and payable during the fiscal year  
34 beginning July 1, 2014, the claim for the credit shall be filed  
35 not later than January 15, 2014.



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1     Sec. 13. APPLICABILITY. This Act applies to property taxes  
2 due and payable in fiscal years beginning on or after July 1,  
3 2014.

4                                   EXPLANATION

5     This bill creates a business property tax credit under new  
6 Code chapter 426C for property taxes due and payable in fiscal  
7 years beginning on or after July 1, 2014.

8     The bill establishes a business property tax credit  
9 fund. For the fiscal year beginning July 1, 2014, the  
10 bill appropriates from the general fund of the state to the  
11 department of revenue for deposit in the fund, \$50 million.  
12 For the fiscal year beginning July 1, 2015, and each fiscal  
13 year thereafter, the bill appropriates from the general fund  
14 of the state to the department of revenue for deposit in the  
15 fund an amount equal to the total amount appropriated by the  
16 general assembly to the fund in the previous fiscal year. In  
17 addition, for fiscal years beginning on or after July 1, 2015,  
18 the bill appropriates an additional \$50 million to the fund  
19 if the revenue estimating conference certifies that the total  
20 amount of general fund revenues has grown by at least 4 percent  
21 as compared to the previous fiscal year. The bill provides,  
22 however, that the total appropriation to the fund shall not  
23 exceed \$250 million in any one fiscal year. Under the bill,  
24 interest or earnings on moneys deposited in the fund are  
25 credited to the fund, moneys in the fund are not subject to the  
26 provisions of Code section 8.33, and moneys in the fund shall  
27 not be transferred, used, obligated, appropriated, or otherwise  
28 encumbered except as provided in new Code chapter 426C.

29     The bill provides that each person who wishes to claim a  
30 business property tax credit shall obtain the appropriate  
31 forms from the assessor and file the claim with the assessor.  
32 The director of revenue is required to prescribe suitable  
33 forms and instructions for such claims, and make such forms  
34 and instructions available to the assessors. The assessor  
35 is required to remit the claims for credit to the county



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1 auditor with the assessor's recommendation for allowance  
2 or disallowance. If the assessor recommends disallowance  
3 of a claim, the assessor shall submit the reasons for the  
4 recommendation, in writing, to the county auditor. The county  
5 auditor then forwards the claims to the board of supervisors.  
6 The board is required to allow or disallow the claims. If  
7 the board of supervisors disallows a claim for a credit, the  
8 board of supervisors is required to send written notice, by  
9 mail, to the claimant and the notice must state the reasons  
10 for disallowing the claim for the credit. Any person whose  
11 claim for credit is disallowed may appeal from the action of  
12 the board of supervisors to the district court of the county in  
13 which the parcel or property unit is located.

14 Claims for the business property tax credit must be filed  
15 not later than March 15 preceding the fiscal year during which  
16 the property taxes for which the credit is claimed are due  
17 and payable. However, the deadline for filing claims against  
18 property taxes due and payable in the fiscal year beginning  
19 July 1, 2014, is January 15, 2014.

20 Upon the filing of a claim and allowance of a business  
21 property tax credit, the credit is allowed on the parcel or  
22 property unit for successive years without further filing as  
23 long as the parcel or property unit satisfies the requirements  
24 for the credit. The owner is required to provide written  
25 notice to the assessor when the parcel or property unit ceases  
26 to qualify for the credit. The bill requires the assessor to  
27 maintain a permanent file of current credits and also specifies  
28 certain requirements for parcel or property unit owners,  
29 assessors, and county recorders when all or a portion of such  
30 parcels or property units are sold, transferred, or ownership  
31 otherwise changes.

32 Under the bill, each parcel classified and taxed as  
33 commercial property, industrial property, or railway property  
34 under Code chapter 434, is eligible for a business property  
35 tax credit. A person may claim and receive one credit for

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1 each eligible parcel unless the parcel is part of a property  
2 unit. The bill defines "property unit" to mean contiguous  
3 parcels located within the same county, with the same property  
4 tax classification, owned by the same person, and operated by  
5 that person for a common use and purpose. A person may only  
6 claim and receive one tax credit for each property unit. A  
7 credit approved for a property unit is allocated to the several  
8 parcels within the property unit in the proportion that each  
9 parcel's property tax liability bears to the total property  
10 tax liability for the property unit. Only those property  
11 units comprised of commercial property, industrial property,  
12 or railway property under Code chapter 434 are eligible for a  
13 credit.

14 The bill provides that property that is rented or leased to  
15 low-income individuals and families as authorized by section 42  
16 of the Internal Revenue Code, and that is subject to section  
17 42 assessment procedures for the applicable assessment year is  
18 not eligible for a business property tax credit under new Code  
19 chapter 426C.

20 The bill provides that all claims for credit which have  
21 been allowed, the actual value of the applicable parcels and  
22 property units that are subject to assessment and taxation,  
23 the consolidated levy rates or average consolidated levy rates  
24 for such parcels and property units applicable to the fiscal  
25 year for which the credit is claimed, and the taxing districts  
26 in which each parcel or property unit is located, shall be  
27 certified on or before June 30, in each year, by the county  
28 auditor to the department of revenue.

29 The bill provides that using the actual value of each parcel  
30 or property unit and the consolidated levy rate for each parcel  
31 or average consolidated levy rate for each property unit, as  
32 certified by the county auditor, the department is required to  
33 calculate, for each fiscal year, an initial amount of actual  
34 value for use in determining the amount of the credit for each  
35 approved parcel or property unit so as to provide the maximum

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1 possible credit according to the credit formula and limitations  
2 in the bill, and to provide a total dollar amount of credits  
3 in the fiscal year equal to 98 percent of the moneys in the  
4 business property tax credit fund following the deposit of the  
5 appropriation for the fiscal year and moneys credited to the  
6 fund.

7 The credit for each parcel or property unit for which a  
8 claim for a business property tax credit has been approved is  
9 calculated using the lesser of the initial amount of actual  
10 value determined by the department for the fiscal year and  
11 the actual value of the parcel or property unit as certified  
12 to the department of revenue. The amount of the credit for  
13 each parcel or property unit is the product of the lesser  
14 amount of actual value, so determined, times the difference  
15 between the assessment limitation percentage applicable to  
16 the parcel or property unit under Code section 441.21(5)  
17 (commercial, industrial, and railway property tax rollback) and  
18 the assessment limitation percentage applicable to residential  
19 property under Code section 441.21(4), divided by \$1,000,  
20 and then multiplied by the consolidated levy rate or average  
21 consolidated levy rate per \$1,000 of taxable value applicable  
22 to the parcel or property unit for the fiscal year for which  
23 the credit is claimed.

24 The bill specifies the procedures for the payment of the  
25 amount of the business property tax credits to the county  
26 treasurers and the resulting apportionment to the applicable  
27 taxing districts. The bill also specifies the requirements and  
28 procedures for an appeal if a claim for credit is disallowed,  
29 specifies the requirements and procedures for an audit of  
30 a business property tax credit, and specifies requirements  
31 relating to the collection of property taxes due as the result  
32 of an incorrectly calculated or improperly approved credit.

33 The bill provides that a person who makes a false claim for  
34 the purpose of obtaining a business property tax credit or who  
35 knowingly receives the credit without being legally entitled



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1 to it is guilty of a fraudulent practice and is subject to a  
2 criminal penalty.

3 The bill requires the director of revenue to prescribe  
4 forms, instructions, and rules as necessary, pursuant to Code  
5 chapter 17A, to carry out and effectuate the purposes of new  
6 Code chapter 426C.

7 The bill applies to property taxes due and payable in fiscal  
8 years beginning on or after July 1, 2014.



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**Senate Study Bill 1136 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

1 An Act relating to qualification for and receipt of the wind  
2 energy and renewable energy tax credits.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 476B.1, subsection 4, paragraph c, Code  
2 2013, is amended to read as follows:

3 c. Was originally placed in service on or after July 1,  
4 2005, but before July 1, ~~2012~~ 2013.

5 Sec. 2. Section 476B.5, subsection 4, Code 2013, is amended  
6 to read as follows:

7 4. a. The maximum amount of nameplate generating capacity  
8 of all qualified facilities the board may find eligible under  
9 this chapter shall not exceed fifty megawatts of nameplate  
10 generating capacity.

11 b. If additional capacity becomes available within the  
12 capacity restrictions of paragraph "a" of this subsection, the  
13 amount of available capacity, plus an additional amount of  
14 capacity necessary to render a facility fully operational, if  
15 applicable, may be awarded to the applicant who has awaited  
16 available capacity for the longest period since receiving  
17 approval.

18 Sec. 3. Section 476C.1, subsection 6, paragraph d, Code  
19 2013, is amended to read as follows:

20 d. Was initially placed into service on or after July 1,  
21 2005, and before January 1, ~~2015~~ 2020.

22 Sec. 4. Section 476C.3, subsection 4, Code 2013, is amended  
23 to read as follows:

24 4. a. The maximum amount of nameplate generating capacity  
25 of all wind energy conversion facilities the board may find  
26 eligible under this chapter shall not exceed three hundred  
27 sixty-three megawatts of nameplate generating capacity.  
28 Beginning January 1, 2015, through December 31, 2019, this  
29 maximum shall be increased each year by fifteen megawatts over  
30 the maximum in the previous year. Beginning January 1, 2020,  
31 the maximum amount of nameplate generating capacity of all  
32 wind energy conversion facilities the board may find eligible  
33 under this chapter shall not exceed four hundred thirty-eight  
34 megawatts of nameplate generating capacity. Of the maximum  
35 amount of nameplate generating capacity for all wind energy

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1 conversion facilities the board may find eligible under this  
2 chapter, five megawatts of nameplate generating capacity shall  
3 be reserved for wind energy conversion facilities located in  
4 small wind innovation zones created under section 476.48.  
5     **b.** The maximum amount of energy production capacity  
6 equivalent of all other facilities the board may find eligible  
7 under this chapter shall not exceed a combined output of  
8 fifty-three megawatts of nameplate generating capacity and  
9 one hundred sixty-seven billion British thermal units of  
10 heat for a commercial purpose. Beginning January 1, 2015,  
11 through December 31, 2019, this maximum shall be increased  
12 each year by the energy production capacity equivalent of a  
13 combined output of five megawatts, and the British thermal unit  
14 equivalent, over the maximum in the previous year. Beginning  
15 January 1, 2020, the maximum amount of energy production  
16 capacity equivalent of all other facilities the board may find  
17 eligible under this chapter shall not exceed seventy-eight  
18 megawatts of nameplate generating capacity, and the British  
19 thermal unit equivalent. Of the maximum amount of energy  
20 production capacity equivalent of all other facilities found  
21 eligible under this chapter, no more than ten megawatts of  
22 nameplate generating capacity or energy production capacity  
23 equivalent shall be allocated to any one facility. Of the  
24 maximum amount of energy production capacity equivalent of all  
25 other facilities found eligible under this chapter, fifty-five  
26 billion British thermal units of heat for a commercial purpose  
27 shall be reserved for an eligible facility that is a refuse  
28 conversion facility for processed, engineered fuel from a  
29 multicounty solid waste management planning area. The maximum  
30 amount of energy production capacity the board may find  
31 eligible for a single refuse conversion facility is fifty-five  
32 billion British thermal units of heat for a commercial purpose.  
33     Sec. 5. Section 476C.5, Code 2013, is amended to read as  
34 follows:  
35     **476C.5 Certificate issuance period.**

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1 A producer or purchaser of renewable energy may receive  
2 renewable energy tax credit certificates for a ten-year period  
3 for each eligible renewable energy facility under this chapter.  
4 The ten-year period for issuance of the tax credit certificates  
5 begins with the date the purchaser of renewable energy first  
6 purchases electricity, hydrogen fuel, methane gas, or other  
7 biogas used to generate electricity, or heat for commercial  
8 purposes from the eligible renewable energy facility for  
9 which a tax credit is issued under this chapter, or the date  
10 the producer of the renewable energy first uses the energy  
11 produced by the eligible renewable energy facility for on-site  
12 consumption. Renewable energy tax credit certificates shall  
13 not be issued for renewable energy purchased or produced for  
14 on-site consumption after December 31, ~~2024~~ 2029.

15 EXPLANATION

16 This bill modifies provisions relating to qualifying for and  
17 receiving the wind energy and renewable energy tax credits.

18 Concerning the wind energy tax credit established in Code  
19 chapter 476B, the bill extends by one year the date by which a  
20 facility must be placed in service in order to be considered a  
21 qualified facility. The date is extended from July 1, 2012, to  
22 July 1, 2013. The bill provides that if additional nameplate  
23 generating capacity becomes available within the 50 megawatt  
24 maximum capacity restrictions for qualified facilities pursuant  
25 to Code section 476B.5, subsection 4, the amount that has  
26 become available, plus an additional amount necessary to render  
27 a facility fully operational, if applicable, may be awarded  
28 to the applicant who has awaited available capacity for the  
29 longest period since receiving approval by the Iowa utilities  
30 board.

31 Concerning the renewable energy tax credit established in  
32 Code chapter 476C, the bill similarly extends the date by which  
33 a facility must be placed in service in order to be considered  
34 an eligible renewable energy facility from January 1, 2015, to  
35 January 1, 2020. A conforming change is also made extending



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1 the date after which a renewable energy tax credit certificate  
2 shall not be issued from December 31, 2024, to December 31,  
3 2029.

4     Additionally, with regard to the renewable energy tax  
5 credit, currently the maximum amount of nameplate generating  
6 capacity of all wind energy conversion facilities the board  
7 may find eligible shall not exceed 363 megawatts. The bill  
8 provides that beginning January 1, 2015, this maximum shall  
9 be increased by 15 megawatts annually, with the last increase  
10 occurring January 1, 2019. The bill specifies that of this  
11 maximum capacity, five megawatts shall be reserved for wind  
12 energy conversion facilities located in small wind innovation  
13 zones created under Code section 476.48. Further, currently  
14 the maximum amount of energy production capacity equivalent of  
15 nonwind renewable energy facilities the board may find eligible  
16 shall not exceed a combined output of 53 megawatts and 167  
17 billion British thermal units of heat for a commercial purpose.  
18 The bill provides that beginning January 1, 2015, this maximum  
19 shall be increased by the energy production capacity equivalent  
20 of a combined output of five megawatts and the British thermal  
21 unit equivalent annually, with the last increase occurring  
22 January 1, 2019. The bill specifies the resulting maximum  
23 amounts of capacity applicable each year beginning January 1,  
24 2020, for both wind energy conversion facilities and nonwind  
25 renewable energy facilities.



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**Senate Study Bill 1137 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

1 An Act increasing the annual aggregate tax credit authorization  
2 limit for the endow Iowa tax credit and including effective  
3 date and retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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mm/sc





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1 Section 1. Section 15E.305, subsection 2, unnumbered  
2 paragraph 1, Code 2013, is amended to read as follows:  
3 The aggregate amount of tax credits authorized pursuant to  
4 this section shall not exceed a total of ~~three~~ eight million  
5 five hundred thousand dollars plus such additional credit  
6 amount as provided by this section annually. The maximum  
7 amount of tax credits granted to a taxpayer shall not exceed  
8 five percent of the aggregate amount of tax credits authorized.  
9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
10 immediate importance, takes effect upon enactment.  
11 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
12 retroactively to January 1, 2013, for endow Iowa tax credits  
13 authorized on or after that date.

14 EXPLANATION

15 This bill increases the annual tax credit authorization  
16 limit for the endow Iowa tax credit. Under current law,  
17 the aggregate amount of endow Iowa tax credits that may  
18 be authorized annually shall not exceed an amount equal to  
19 \$3.5 million plus a certain amount of wagering tax receipts  
20 collected pursuant to Code section 99F.11. The bill increases  
21 from \$3.5 million to \$8.5 million the aggregate amount of endow  
22 Iowa tax credits that may be authorized, in addition to the  
23 certain amount of wagering tax receipts as provided by law.  
24 The bill takes effect upon enactment and applies  
25 retroactively to January 1, 2013, for endow Iowa tax credits  
26 authorized on or after that date.



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**Senate Study Bill 1138 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CHAIRPERSON DEARDEN)

**A BILL FOR**

1 An Act providing for a product stewardship report by the  
2 department of natural resources.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1192XC (1) 85  
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1 Section 1. NEW SECTION. 455B.317 Product stewardship —  
2 report.

3 1. By January 15 of each year, the department shall submit a  
4 product stewardship report to the general assembly. The report  
5 shall supply information identifying solid waste according  
6 to product or product category. The report shall consider  
7 latex paint, oil-based paint, aseptic packaging, waste tires,  
8 florescent bulbs, and food waste. The report shall not include  
9 consideration of motor vehicles or watercraft.

10 2. The department shall use the report described in  
11 subsection 1 to recommend a strategy that most efficiently  
12 manages solid waste as classified according to product  
13 or product category. The strategy shall at least include  
14 recommendations for all of the following:

15 a. Disposing of hazardous chemicals, toxic materials, or  
16 harmful physical agents that pose a risk of an adverse impact  
17 to the environment or public health and safety.

18 b. Increasing the recovery of materials for reuse or  
19 recycling.

20 c. Reducing costs associated with solid waste management.

21 3. In preparing its report, the department shall consider  
22 how other states have classified solid waste according to  
23 products and product categories and how other states have  
24 successfully collected and managed solid waste, including  
25 recovering and recycling efforts. When preparing the report,  
26 the department shall consult with landfill operators and  
27 businesses engaged in recycling solid waste. The department  
28 shall also invite participation from interested members of the  
29 public.

30 4. As part of its report, the department shall recommend the  
31 establishment of a product stewardship program that implements  
32 or improves upon the strategy developed by the department under  
33 this section, including by detailing any legislative proposals  
34 required for implementation or explaining the adoption of  
35 proposed rules under existing statutory authority.

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EXPLANATION

1  
2 This bill requires the department of natural resources to  
3 prepare and submit a product stewardship report to the general  
4 assembly each year. The report shall supply information  
5 identifying solid waste according to product or product  
6 category. The department must use the report to recommend  
7 a strategy that most efficiently manages solid waste as  
8 classified according to product or product category. The  
9 department must recommend the establishment of a product  
10 stewardship program that implements or improves upon the  
11 strategy developed by the department, including legislative  
12 proposals or the adoption of proposed rules.



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**Senate Study Bill 1139 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON McCOY)

**A BILL FOR**

1 An Act relating to matters under the purview of the banking  
2 division of the department of commerce.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 12C.7, subsection 1, Code 2013, is  
2 amended to read as follows:

3 1. A depository ~~shall not directly or indirectly may~~ pay  
4 interest to a public officer on a ~~demand deposit~~ deposits  
5 of public funds, and a public officer ~~shall not may~~ take or  
6 receive interest on ~~demand~~ deposits of public funds. ~~This~~  
7 ~~provision does not apply to interest on time certificates of~~  
8 ~~deposit or savings accounts for public funds.~~

9 Sec. 2. Section 524.904, subsection 5, paragraph b,  
10 subparagraph (1), Code 2013, is amended by striking the  
11 subparagraph.

12 Sec. 3. Section 533A.2, Code 2013, is amended by adding the  
13 following new subsections:

14 NEW SUBSECTION. 7. The superintendent may authorize  
15 applicants and licensees to be licensed through a nationwide  
16 licensing system and to pay the corresponding system processing  
17 fees. The superintendent may establish by rule or order  
18 new requirements as necessary, including but not limited to  
19 requirements that applicants, including officers and directors  
20 and those who have control of the applicant, submit to  
21 fingerprinting and criminal history checks.

22 NEW SUBSECTION. 8. For the purposes of this section and in  
23 order to reduce the points of contact which the federal bureau  
24 of investigation may be required to maintain for purposes  
25 of subsection 7, the superintendent may use the nationwide  
26 licensing system as a channeling agent for requesting  
27 information from and distributing information to the United  
28 States department of justice or other governmental agency, or  
29 to or from any other source so directed by the superintendent.

30 Sec. 4. Section 533A.4, Code 2013, is amended to read as  
31 follows:

32 **533A.4 Expiration date.**

33 The license issued under this chapter shall expire on  
34 ~~July 1 next~~ December 31 following its issuance unless sooner  
35 surrendered, revoked, or suspended, but may be renewed as



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1 provided in this chapter.

2 Sec. 5. Section 533A.5, subsection 1, Code 2013, is amended  
3 to read as follows:

4 1. To continue in the business of debt management, each  
5 licensee shall annually apply on or before ~~June~~ December  
6 1 to the superintendent for renewal of its license. The  
7 superintendent may assess a late fee of ten dollars per day for  
8 applications submitted and accepted for processing after ~~June~~  
9 December 1.

10 Sec. 6. Section 533A.10, Code 2013, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 4. The superintendent may receive  
13 documents, materials, or other information, including otherwise  
14 confidential and privileged documents, materials, or other  
15 information, through a nationwide licensing system and from  
16 other local, state, federal, or international regulatory  
17 agencies, the conference of state bank supervisors and  
18 its affiliates and subsidiaries, the national association  
19 of consumer credit administrators and its affiliates and  
20 subsidiaries, and any other regulator association, and shall  
21 maintain as confidential and privileged any such document,  
22 material, or other information received with notice or the  
23 understanding that it is confidential or privileged under the  
24 laws of the jurisdiction that is the source of the document,  
25 material, or other information.

26 Sec. 7. Section 533C.202, subsection 4, Code 2013, is  
27 amended to read as follows:

28 4. A nonrefundable application fee of one thousand dollars  
29 and a license fee must accompany an application for a license  
30 under this article. The license fee must be refunded if the  
31 application is denied. The license fee shall be the sum of  
32 five hundred dollars plus an additional ten dollars for each  
33 location in this state at which business is conducted through  
34 authorized delegates or employees of the licensee, but shall  
35 not exceed five thousand dollars. Fees for locations added

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1 after the initial application shall be submitted with the  
2 quarterly reports pursuant to section 533C.503, subsection  
3 2. If the licensee has no locations in this state at which  
4 business is conducted through authorized delegates or  
5 employees of the licensee, the license fee shall be set by the  
6 superintendent, but shall not exceed five thousand dollars. A  
7 license under this article expires on the next ~~September 30~~  
8 December 31 after its issuance. The initial license fee is  
9 considered an annual fee and the superintendent shall prorate  
10 the license fee, refunding any amount due to a partial license  
11 year. However, no refund of a license fee shall be made when a  
12 license is suspended, revoked, or surrendered.

13 Sec. 8. Section 533C.202, Code 2013, is amended by adding  
14 the following new subsections:

15 NEW SUBSECTION. 6. The superintendent may authorize  
16 applicants and licensees to be licensed through a nationwide  
17 licensing system and to pay the corresponding system processing  
18 fees. The superintendent may establish by rule or order  
19 new licensing requirements as necessary, including but not  
20 limited to requirements that applicants, including officers and  
21 directors and those who have control of the applicant, submit  
22 to fingerprinting and criminal history checks.

23 NEW SUBSECTION. 7. For the purposes of this section and in  
24 order to reduce the points of contact which the federal bureau  
25 of investigation may be required to maintain for purposes  
26 of subsection 6, the superintendent may use the nationwide  
27 licensing system as a channeling agent for requesting  
28 information from and distributing information to the United  
29 States department of justice or other governmental agency, or  
30 to or from any other source so directed by the superintendent.

31 Sec. 9. Section 533C.205, subsections 1 and 3, Code 2013,  
32 are amended to read as follows:

33 1. A licensee under this article shall pay an annual  
34 renewal fee as determined below by no later than ~~September~~  
35 December 1 of the year of expiration. The renewal fee shall be

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1 five hundred dollars plus an additional ten dollars for each  
2 location in this state at which business is conducted through  
3 authorized delegates or employees of the licensee, but shall  
4 not exceed five thousand dollars. Fees for locations added  
5 after submission of the renewal application shall be submitted  
6 with the quarterly reports pursuant to section 533C.503,  
7 subsection 2. If the licensee has no locations in this state  
8 at which business is conducted through authorized delegates  
9 or employees of the licensee, the license fee shall be set  
10 by the superintendent, but shall not exceed five thousand  
11 dollars. ~~Licenses issued under chapter 533B, Code 2003, will~~  
12 ~~be initially renewed as provided in section 533C.904.~~

13 3. If a licensee does not file a renewal report or pay its  
14 renewal fee by ~~September~~ December 1, or any extension of time  
15 granted by the superintendent, the superintendent may assess a  
16 late fee of one hundred dollars per day.

17 Sec. 10. Section 533C.302, subsection 2, Code 2013, is  
18 amended to read as follows:

19 2. A nonrefundable application fee of one thousand dollars  
20 and the license fee must accompany an application for a license  
21 under this article. The license fee shall be the sum of five  
22 hundred dollars plus an additional one hundred dollars for each  
23 location at which business is conducted, but not to exceed two  
24 thousand dollars. Fees for locations added after the initial  
25 application shall be submitted with the quarterly reports  
26 pursuant to section 533C.503, subsection 2. The license fee  
27 must be refunded if the application is denied. A license under  
28 this article expires on the next ~~September 30~~ December 31 of an  
29 odd-ending year after its issuance. The initial license fee is  
30 considered a biennial fee and the superintendent shall prorate  
31 the license fee, refunding any amount due to a partial license  
32 period. However, no refund of a license fee shall be made when  
33 a license is suspended, revoked, or surrendered.

34 Sec. 11. Section 533C.302, Code 2013, is amended by adding  
35 the following new subsections:

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1     NEW SUBSECTION. 3. The superintendent may authorize  
2 applicants and licensees to be licensed through a nationwide  
3 licensing system and to pay the corresponding system processing  
4 fees. The superintendent may establish by rule or order  
5 new requirements as necessary, including but not limited to  
6 requirements that applicants, including officers and directors  
7 and those who have control of the applicant, submit to  
8 fingerprinting and criminal history checks.

9     NEW SUBSECTION. 4. For the purposes of this section and in  
10 order to reduce the points of contact which the federal bureau  
11 of investigation may be required to maintain for purposes  
12 of subsection 3, the superintendent may use the nationwide  
13 licensing system as a channeling agent for requesting  
14 information from and distributing information to the United  
15 States department of justice or other governmental agency, or  
16 to or from any other source so directed by the superintendent.

17     Sec. 12. Section 533C.304, subsections 1 and 3, Code 2013,  
18 are amended to read as follows:

19     1. A licensee under this article shall pay a biennial  
20 renewal fee no later than ~~September~~ December 1 of an odd-ending  
21 year. The biennial renewal fee shall be the sum of five  
22 hundred dollars plus an additional one hundred dollars for  
23 each location at which business is conducted, but shall not  
24 exceed two thousand dollars. Fees for locations added after  
25 the initial application shall be submitted with the quarterly  
26 reports pursuant to section 533C.503, subsection 2.

27     3. If a licensee does not file a renewal report and pay  
28 its renewal fee by ~~September~~ December 1 of an odd-ending year,  
29 or any extension of time granted by the superintendent, the  
30 superintendent may assess a late fee of one hundred dollars per  
31 day.

32     Sec. 13. Section 533C.507, Code 2013, is amended by adding  
33 the following new subsection:

34     NEW SUBSECTION. 7. The superintendent may receive  
35 documents, materials, or other information, including otherwise

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1 confidential and privileged documents, materials, or other  
2 information, through a nationwide licensing system and from  
3 other local, state, federal, or international regulatory  
4 agencies, the conference of state bank supervisors and  
5 its affiliates and subsidiaries, the national association  
6 of consumer credit administrators and its affiliates and  
7 subsidiaries, the money transmitter regulators association,  
8 and any other regulator associations, and shall maintain as  
9 confidential and privileged any such document, material, or  
10 other information received with notice or the understanding  
11 that it is confidential or privileged under the laws of the  
12 jurisdiction that is the source of the document, material, or  
13 other information.

14 Sec. 14. Section 533C.904, Code 2013, is amended by striking  
15 the section and inserting in lieu thereof the following:

16 **533C.904 Applicability.**

17 This chapter applies to the provision of money services on or  
18 after October 1, 2003.

19 Sec. 15. Section 533D.3, subsection 3, unnumbered paragraph  
20 1, Code 2013, is amended to read as follows:

21 The application required by this section shall be submitted  
22 with ~~both of~~ the following:

23 Sec. 16. Section 533D.3, subsection 6, Code 2013, is amended  
24 to read as follows:

25 6. a. A license issued pursuant to this chapter shall  
26 be conspicuously posted at the licensee's place of business.  
27 A license shall remain in effect until the next succeeding  
28 ~~May~~ January 1, unless earlier suspended or revoked by the  
29 superintendent.

30 b. A license shall be renewed annually by filing with the  
31 superintendent on or before ~~April~~ December 1 an application  
32 for renewal containing such information as the superintendent  
33 may require to indicate any material change in the information  
34 contained in the original application or succeeding renewal  
35 applications and a renewal fee of two hundred fifty dollars.



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1 c. The superintendent may assess a late fee of ten dollars  
2 per day for applications submitted and accepted for processing  
3 after ~~April~~ December 1.

4 Sec. 17. Section 533D.3, Code 2013, is amended by adding the  
5 following new subsections:

6 NEW SUBSECTION. 7. The superintendent may authorize  
7 applicants and licensees to be licensed through a nationwide  
8 licensing system and to pay the corresponding system processing  
9 fees. The superintendent may establish by rule or order  
10 new requirements as necessary, including but not limited to  
11 requirements that applicants, including officers and directors  
12 and those who have control of the applicant, submit to  
13 fingerprinting and criminal history checks.

14 NEW SUBSECTION. 8. For the purposes of this section and in  
15 order to reduce the points of contact which the federal bureau  
16 of investigation may be required to maintain for purposes  
17 of subsection 7, the superintendent may use the nationwide  
18 licensing system as a channeling agent for requesting  
19 information from and distributing information to the United  
20 States department of justice or other governmental agency, or  
21 to or from any other source so directed by the superintendent.

22 Sec. 18. Section 533D.11, Code 2013, is amended by adding  
23 the following new subsection:

24 NEW SUBSECTION. 6. The superintendent may receive  
25 documents, materials, or other information, including otherwise  
26 confidential and privileged documents, materials, or other  
27 information, through a nationwide licensing system and from  
28 other local, state, federal, or international regulatory  
29 agencies, the conference of state bank supervisors and  
30 its affiliates and subsidiaries, the national association  
31 of consumer credit administrators and its affiliates and  
32 subsidiaries, and any other regulator association, and shall  
33 maintain as confidential and privileged any such document,  
34 material, or other information received with notice or the  
35 understanding that it is confidential or privileged under the



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1 laws of the jurisdiction that is the source of the document,  
2 material, or other information.

3 Sec. 19. Section 535D.15, subsection 1, Code 2013, is  
4 amended to read as follows:

5 1. Except as otherwise provided by this chapter, all papers,  
6 documents, examination reports, and other writings relating to  
7 the supervision of licensees are not public records and are not  
8 subject to disclosure under chapter 22. Except as otherwise  
9 provided in section 1512 of the federal Housing and Economic  
10 Recovery Act of 2008, Pub. L. No. 110-289, the requirements  
11 under any federal law or chapter 22 or 692 regarding the  
12 privacy or confidentiality of any information or material  
13 provided to the nationwide mortgage licensing system and  
14 registry, and any privilege arising under federal or state law,  
15 including the rules of any federal or state court, with respect  
16 to such information or material, shall continue to apply to  
17 such information or material after the information or material  
18 has been disclosed to the nationwide mortgage licensing system  
19 and registry. Such information and material may be shared  
20 with any state or federal regulatory official with mortgage  
21 industry oversight authority without the loss of privilege or  
22 the loss of confidentiality protections provided by federal law  
23 or chapter 22 or 692.

24 Sec. 20. Section 542B.14, subsection 1, paragraph a,  
25 subparagraphs (2) and (4), Code 2013, are amended to read as  
26 follows:

27 (2) Successfully passing a ~~written, oral, or written and~~  
28 ~~oral~~ an examination in fundamental engineering subjects which  
29 is designed to show the knowledge of general engineering  
30 principles. A person passing the examination in fundamental  
31 engineering subjects is entitled to a certificate as an  
32 engineer intern.

33 (4) Successfully passing a ~~written, oral, or written and~~  
34 ~~oral~~ an examination designed to determine the proficiency and  
35 qualifications to engage in the practice of engineering. No



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1 applicant shall be entitled to take this examination until  
2 the applicant shows the necessary practical experience in  
3 engineering work.

4 Sec. 21. Section 542B.14, subsection 1, paragraph b,  
5 subparagraphs (2) and (4), Code 2013, are amended to read as  
6 follows:

7 (2) Successfully passing a ~~written, oral, or written and~~  
8 ~~oral~~ an examination in fundamental land surveying subjects  
9 which is designed to show the knowledge of general land  
10 surveying principles.

11 (4) Successfully passing a ~~written, oral, or written and~~  
12 ~~oral~~ an examination designed to determine the proficiency and  
13 qualifications to engage in the practice of land surveying.  
14 No applicant shall be entitled to take this examination until  
15 the applicant shows the necessary practical experience in land  
16 surveying work.

17 Sec. 22. Section 542B.15, Code 2013, is amended to read as  
18 follows:

19 **542B.15 Examinations — report required.**

20 Examinations for licensure shall be given as often as deemed  
21 necessary by the board, but no less than one time per year. The  
22 scope of the examinations and the methods of procedure shall be  
23 prescribed by the board. Any ~~written~~ examination may be given  
24 by representatives of the board. ~~All examinations in theory~~  
25 ~~shall be in writing and the~~ The identity of the person taking  
26 the examination shall be concealed until after the examination  
27 ~~papers have~~ has been graded. ~~For examinations in practice,~~  
28 ~~the identity of the person taking the examination shall also~~  
29 ~~be concealed as far as possible.~~ As soon as practicable after  
30 the close of each examination, a report shall be filed in the  
31 office of the secretary of the board by the board. The report  
32 shall show the action of the board upon each application and  
33 the secretary of the board shall notify each applicant of the  
34 result of the applicant's examination. Applicants who fail the  
35 examination once shall be allowed to take the examination at

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1 the next scheduled time. Thereafter, the applicant shall be  
2 allowed to take the examination at the discretion of the board.  
3 An applicant who has failed the examination may request in  
4 writing information from the board concerning the applicant's  
5 examination grade and subject areas or questions which the  
6 applicant failed to answer correctly, except that if the board  
7 administers a uniform, standardized examination, the board  
8 shall only be required to provide the examination grade and  
9 such other information concerning the applicant's examination  
10 results which are available to the board.

11 Sec. 23. Section 543B.20, Code 2013, is amended to read as  
12 follows:

13 **543B.20 ~~Written examination~~ Examination.**

14 Examinations for registration shall be given as often as  
15 deemed necessary by the real estate commission, but no less  
16 than one time per year. Each applicant for a license must  
17 pass ~~a written~~ an examination authorized by the commission and  
18 administered by the commission or persons designated by the  
19 commission. The examination shall be of scope and wording  
20 sufficient in the judgment of the commission to establish the  
21 competency of the applicant to act as a real estate broker  
22 or salesperson in a manner to protect the interests of the  
23 public. An examination for a real estate broker shall be of a  
24 more exacting nature than that for a real estate salesperson  
25 and require higher standards of knowledge of real estate. ~~All~~  
26 ~~examinations in real estate theory shall be in writing and the~~  
27 The identity of the persons taking the examinations shall be  
28 concealed until after the examination ~~papers have~~ has been  
29 graded. ~~For examinations in practice, the identity of the~~  
30 ~~persons taking the examinations shall also be concealed as~~  
31 ~~far as possible.~~ A person who fails to pass either ~~written~~  
32 examination once may immediately apply to take the next  
33 available examination. Thereafter, the applicant may take the  
34 examination at the discretion of the commission. An applicant  
35 who has failed either examination may request in writing

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1 information from the commission concerning the applicant's  
2 examination grade and subject areas or questions which the  
3 applicant failed to answer correctly, except that if the  
4 commission administers a uniform, standardized examination, the  
5 commission is only required to provide the examination grade  
6 and other information concerning the applicant's examination  
7 results which is available to the commission.

8 Sec. 24. Section 543D.4, Code 2013, is amended to read as  
9 follows:

10 **543D.4 Iowa real estate appraiser board.**

11 A real estate appraiser examining board is established  
12 within the professional licensing and regulation bureau of the  
13 banking division of the department of commerce. The board  
14 consists of seven members, two of whom shall be public members  
15 and five of whom shall be certified real estate appraisers.

16 1. The governor shall appoint the members of the board who  
17 are subject to confirmation by the senate. The governor may  
18 remove a member for cause.

19 ~~2. Appointees shall possess or maintain at least those~~  
20 ~~standards of ethics, education, and experience required by~~  
21 ~~federal regulations.~~

22 ~~3. 2. Each real estate appraiser member of the board~~  
23 ~~appointed after January 1, 1992, must be a certified real~~  
24 ~~estate appraiser. A certified real estate appraiser member of~~  
25 ~~the board shall be actively engaged in practice as a certified~~  
26 ~~real estate appraiser and shall have been so engaged for five~~  
27 ~~years preceding appointment, the last two of which shall have~~  
28 ~~been in this state.~~ The governor shall attempt to represent  
29 each class of certified appraisers in making the appointments.

30 ~~4. 3. The term of each member is three years, except that,~~  
31 ~~of the members first appointed, two shall be appointed for~~  
32 ~~two years and two shall be appointed for one year. Vacancies~~  
33 ~~occurring during a term shall be filled by appointment by the~~  
34 ~~governor for the unexpired term.~~

35 ~~5. 4. Upon expiration of their terms, members of the~~

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1 board shall continue to hold office until the appointment and  
2 qualification of their successors. A person shall not serve  
3 as a member of the board for more than ~~two consecutive~~ three  
4 terms, but appointment to fill an unexpired term shall not be  
5 considered a complete term for this purpose.

6 ~~6.~~ 5. The public members of the board shall not engage in  
7 the practice of real estate appraising.

8 ~~7.~~ 6. The board shall meet at least once each calendar  
9 quarter to conduct its business.

10 ~~8.~~ 7. The members of the board shall elect a chairperson  
11 from among the members to preside at board meetings.

12 ~~9.~~ 8. A quorum of the board is four members. ~~At least~~  
13 ~~three of the four members shall be appraiser members.~~

14 9. Members of the board are entitled to receive a per diem  
15 as specified in section 7E.6 for each day spent in performance  
16 of duties as members and shall be reimbursed for all actual  
17 and necessary expenses incurred in the performance of duties  
18 as members.

19 Sec. 25. Section 543D.5, Code 2013, is amended to read as  
20 follows:

21 **543D.5 Powers of the board.**

22 1. The board shall adopt rules establishing uniform  
23 appraisal standards and appraiser certification requirements  
24 and other rules necessary to administer and enforce this  
25 chapter and its responsibilities under chapter 272C. The  
26 board shall consider and may incorporate any standards  
27 required or recommended by the appraisal foundation, or by a  
28 professional appraisal organization, or by a public authority  
29 or organization responsible to review appraisals or for  
30 the oversight of appraisers federal agency with regulatory  
31 authority over appraisal standards or the certification of  
32 appraisers for federally related transactions.

33 2. The uniform appraisal standards shall meet all of the  
34 following requirements:

35 a. Require compliance with federal law and appraisal



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1 standards adopted by federal authorities as they apply to  
2 federally ~~covered~~ related transactions. This paragraph does  
3 not require that an appraiser invoke a jurisdictional exception  
4 to the uniform standards of professional appraisal practice  
5 in order to comply with federal law and appraisal standards  
6 adopted by federal authorities as they apply to federally  
7 ~~covered~~ related transactions, unless federal law requires that  
8 the exception be invoked.

9     **b.** Develop standards for the scope of practice for certified  
10 real estate appraisers.

11     **c.** Required compliance with the uniform standards of  
12 professional appraisal practice in all appraisal assignments.

13     **3.** Appraiser certification requirements shall require a  
14 demonstration that the applicant has a working knowledge of  
15 current appraisal theories, practices, and techniques which  
16 will provide a high degree of service and protection to members  
17 of the public dealt with in a professional relationship under  
18 authority of the certification. The board shall establish the  
19 examination specifications for each category of certified real  
20 estate appraiser, provide or procure appropriate examinations,  
21 establish procedures for grading examinations, receive and  
22 approve or disapprove applications for certification, and issue  
23 certificates.

24     **4.** The board shall maintain a registry of the names and  
25 ~~addresses~~ certificate numbers of appraisers certified under  
26 this chapter ~~and retain records and application materials~~  
27 ~~submitted to the board~~ and the names and registration numbers  
28 of associate appraisers registered under this chapter.

29     **Sec. 26.** Section 543D.8, unnumbered paragraph 1, Code 2013,  
30 is amended to read as follows:

31     An original certification as a certified real estate  
32 appraiser shall not be issued to a person who has not  
33 demonstrated through ~~a written~~ an examination that the person  
34 possesses the following knowledge and understanding:

35     **Sec. 27.** Section 543D.16, subsection 2, Code 2013, is

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1 amended to read as follows:

2 2. The basic continuing education requirement for renewal  
3 of certification shall be the completion, before June 30 of  
4 the year in which the appraiser's certificate expires, of the  
5 number of hours of instruction required by the board in courses  
6 or seminars which have received the preapproval of the board.  
7 ~~Instructional hours by correspondence and home study courses~~  
8 ~~claimed by an appraiser shall not exceed fifty percent of the~~  
9 ~~required hours of instruction necessary for renewal.~~

10 Sec. 28. **NEW SECTION. 543D.22 Criminal background checks.**

11 1. The board may require a national criminal history check  
12 through the federal bureau of investigation for applicants  
13 for certification or registration, or for persons certified  
14 or registered, under this chapter if needed to comply with  
15 federal law or regulation, or the policies of the appraisal  
16 qualification board of the appraisal foundation.

17 2. The board may require applicants, certificate holders,  
18 or registrants to provide a full set of fingerprints, in a  
19 form and manner prescribed by the board. Such fingerprints,  
20 if required, shall be submitted to the federal bureau of  
21 investigation through the state criminal history repository for  
22 purposes of the national criminal history check.

23 3. The board may also request and obtain, notwithstanding  
24 section 692.2, subsection 5, criminal history data for  
25 applicants, certificate holders, and registrants. A request  
26 for criminal history data shall be submitted to the department  
27 of public safety, division of criminal investigation, pursuant  
28 to section 692.2, subsection 1.

29 4. The board shall inform the applicant, certificate  
30 holder, or registrant of the requirement of a national criminal  
31 history check or request for criminal history data and obtain  
32 a signed waiver from the applicant, certificate holder, or  
33 registrant prior to requesting the check or data.

34 5. The board may, in addition to any other fees, charge  
35 and collect such amounts as may be incurred by the board, the

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1 department of public safety, or federal bureau of investigation  
2 in obtaining criminal history information. Amounts collected  
3 shall be considered repayment receipts as defined in section  
4 8.2, subsection 8.

5 6. Criminal history data and other criminal history  
6 information relating to an applicant, certificate holder, or  
7 registrant obtained by the board pursuant to this section is  
8 confidential. Such information may, however, be used by the  
9 board in a certificate or registration denial or disciplinary  
10 proceeding.

11 Sec. 29. Section 544A.21, Code 2013, is amended by striking  
12 the section and inserting in lieu thereof the following:

13 **544A.21 Practice by business entities.**

14 The board shall adopt rules to govern the practice of  
15 architecture through business entities to protect the public  
16 from misleading and deceptive advertising and to guard against  
17 the unlicensed practice of architecture.

18 Sec. 30. LICENSE EXPIRATION DATES — TRANSITION  
19 PROVISIONS. A license which would otherwise expire on or  
20 before the effective date of this Act pursuant to Code sections  
21 533A.4 and 533D.3 shall remain in full force and effect until  
22 December 31, 2013, or January 1, 2014, as applicable.

23 **EXPLANATION**

24 This bill relates to matters under the purview of the banking  
25 division of the department of commerce.

26 The bill amends provisions which currently prohibit a  
27 depository, defined as a bank or credit union in which public  
28 funds are deposited, from directly or indirectly paying  
29 interest to a public officer on a demand deposit of public  
30 funds, and prohibit a public officer from taking or receiving  
31 interest. The bill provides that a depository may pay interest  
32 to a public officer on deposits of public funds, and a public  
33 officer may take or receive it. The bill deletes a provision  
34 that the previous prohibition did not apply to interest on time  
35 certificates of deposit or savings accounts for public funds.

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1 The bill deletes a provision characterizing a borrowing  
2 group, for purposes of loans and extensions of credit by a  
3 state bank, as including a person and any legal entity where  
4 the interests of a group of more than one borrower, or any  
5 combination of the members of the group, are so interrelated  
6 that they should be considered a unit for the purpose of  
7 applying lending limit limitations.

8 The bill makes several similar modifications throughout  
9 Code chapters 533A (relating to engaging in the business of  
10 debt management), 533C (relating to engaging in the business  
11 of money transmission and engaging in the business of currency  
12 exchange), and 533D (relating to engaging in a delayed deposit  
13 service business). The bill provides that the superintendent  
14 of banking may authorize applicants and licensees to be  
15 licensed through a nationwide licensing system and to pay  
16 the corresponding system processing fees, and that the  
17 superintendent may establish by rule or order new requirements  
18 including but not limited to requirements that applicants,  
19 including officers and directors and those who have control of  
20 the applicant, submit to fingerprinting and criminal history  
21 checks. The bill states that in order to reduce the points of  
22 contact which the federal bureau of investigation may have to  
23 maintain the superintendent may use the nationwide licensing  
24 system as a channeling agent for requesting information from  
25 and distributing information to the United States department of  
26 justice or other governmental agency, or to or from any other  
27 source so directed by the superintendent.

28 Also, with reference to Code chapters 533A, 533C, and  
29 533D, the bill provides that the superintendent may receive  
30 documents, materials, or other information, including otherwise  
31 confidential and privileged documents, materials, or other  
32 information, through a nationwide licensing system and from  
33 other local, state, federal, or international regulatory  
34 agencies, the conference of state bank supervisors and  
35 its affiliates and subsidiaries, the national association

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1 of consumer credit administrators and its affiliates and  
2 subsidiaries, and any other regulator associations, and shall  
3 maintain as confidential and privileged any such document,  
4 material, or other information received with notice or the  
5 understanding that it is confidential or privileged under the  
6 laws of the jurisdiction that is the source of the document,  
7 material, or other information.

8     Additionally, with reference to Code chapters 533A, 533C,  
9 and 533D, the bill makes licensure expiration and renewal dates  
10 consistent as December 1 for renewal and either December 31 or  
11 January 1 (in the case of a delayed deposit services business)  
12 for expiration.

13     The bill provides transition provisions specifying that  
14 licenses which would otherwise have expired on or before the  
15 bill's effective date of July 1, 2013, shall remain in full  
16 force and effect until the expiration date as modified by the  
17 bill.

18     The bill deletes outdated references to licensure under Code  
19 chapter 533B, Code 2003, and related transition provisions,  
20 contained in Code section 533C.904.

21     The bill adds to confidentiality provisions relating to the  
22 mortgage licensing Act contained in Code section 535D.15. The  
23 bill states that, except as otherwise provided by the Code  
24 chapter, all papers, documents, examination reports, and other  
25 writings relating to the supervision of licensees are not  
26 public records and are not subject to disclosure under Code  
27 chapter 22.

28     The bill changes the requirements for the five real estate  
29 appraiser members of the Iowa real estate appraiser board  
30 to require that they be actively engaged in practice as a  
31 certified real estate appraiser and shall have been so engaged  
32 for five years preceding their appointment, with at least  
33 the last two years in this state. The bill makes conforming  
34 changes consistent with this modification, and provides  
35 that vacancies occurring during a term shall be filled by

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1 appointment by the governor for the unexpired term. The  
2 bill permits a member to serve for three consecutive terms,  
3 an increase from the current limit of two such terms, and  
4 states that appointment to fill an unexpired term shall not  
5 be considered a complete term for this purpose. The bill  
6 authorizes members to be eligible for per diem and actual and  
7 necessary expenses. Further, the bill modifies provisions  
8 which had previously stated that the board shall consider and  
9 may incorporate any standards recommended by the appraisal  
10 foundation, or by a professional appraisal organization, or  
11 by a public authority or organization responsible to review  
12 appraisals or for the oversight of appraisers. This provision  
13 is modified to refer to consideration and incorporation of any  
14 standards required or recommended by the appraisal foundation  
15 or by a federal agency with regulatory authority over appraisal  
16 standards or the certification of appraisers for federally  
17 related transactions.

18 The bill provides that uniform appraisal standards shall,  
19 in addition to the current requirements, require compliance  
20 with the uniform standards of professional appraisal practice  
21 in all appraisal assignments. The bill also provides that the  
22 board shall maintain a registry of the names and certificate  
23 numbers, instead of addresses, of certified appraisers and  
24 the names and registration numbers of registered associate  
25 appraisers. The bill deletes a provision, with reference  
26 to continuing education requirements, that instructional  
27 hours by correspondence and home study courses claimed by an  
28 appraiser shall not exceed 50 percent of the required hours of  
29 instruction necessary for renewal.

30 Again with reference to real estate appraisers, the bill  
31 adds provisions relating to criminal background checks.  
32 The bill states that the board is authorized to require a  
33 national criminal history check through the federal bureau  
34 of investigation for applicants, certificate holders, or  
35 registrants if needed to comply with federal law or regulation,



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1 or the policies of the appraisal qualification board of the  
2 appraisal foundation. The bill states that the board is also  
3 authorized to request and obtain state criminal history data  
4 for applicants, certificate holders, and registrants. The  
5 bill specifies that a request for criminal history data shall  
6 be submitted to the department of public safety, division  
7 of criminal investigation, pursuant to Code section 692.2,  
8 subsection 1. The bill authorizes the board, in addition to  
9 any other fees, to charge and collect such amounts as may  
10 be incurred by the board, the department of public safety,  
11 or federal bureau of investigation, in obtaining criminal  
12 history information. The board shall inform the applicant,  
13 certificate holder, or registrant of the requirement of a  
14 national criminal history check or request for criminal history  
15 data and obtain a signed waiver from the applicant, certificate  
16 holder, or registrant prior to requesting the check or data.  
17 Additionally, the bill specifies that criminal history data and  
18 other criminal history information relating to an applicant,  
19 certificate holder, or registrant obtained by the board is  
20 confidential but may be used by the board in a certificate or  
21 registration denial or disciplinary proceeding.

22 The bill deletes references to a "written" or "oral"  
23 examination in relation to engineering, land surveying, real  
24 estate broker and salesperson, and real estate appraiser  
25 licensing examinations in favor of the nonspecific reference  
26 to "examinations".

27 Finally, the bill deletes current detailed provisions  
28 contained in Code section 544A.21 imposing requirements  
29 relating to the practice of architecture through business  
30 entities to protect the public from misleading and deceptive  
31 advertising and to guard against the unlicensed practice of  
32 architecture. The provisions are replaced with the statement  
33 that the board shall adopt rules regarding the practice of  
34 architecture through business entities.

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**Senate Study Bill 1140 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON McCOY)

**A BILL FOR**

1 An Act providing for immunity from civil liability for  
2 registered architects and professional engineers providing  
3 disaster emergency assistance under specified circumstances.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 29C.20C Immunity — registered  
2 architects and professional engineers.

3 An architect registered pursuant to chapter 544A or a  
4 professional engineer licensed pursuant to chapter 542B who,  
5 during a disaster emergency as proclaimed by the governor or  
6 a major disaster as declared by the president of the United  
7 States, in good faith and at the request of or with the  
8 approval of a national, state, or local public official, law  
9 enforcement official, public safety official, or building  
10 inspection official believed by the registered architect or  
11 professional engineer to be acting in an official capacity,  
12 voluntarily and without compensation provides architectural,  
13 engineering, structural, electrical, mechanical, or other  
14 design professional services related to the disaster emergency  
15 shall not be liable for civil damages for any acts or omissions  
16 resulting from the services provided, unless such acts or  
17 omissions constitute recklessness or willful and wanton  
18 misconduct. A registered architect or professional engineer  
19 who receives expense reimbursement for the performance of  
20 services described in this section shall not be considered to  
21 have received compensation for such services.

22 EXPLANATION

23 This bill confers immunity from civil liability for  
24 registered architects and professional engineers providing  
25 assistance pursuant to a disaster emergency declared by the  
26 governor or a major disaster declared by the president of the  
27 United States pursuant to Code chapter 29C. The bill provides  
28 that when architectural, engineering, structural, electrical,  
29 mechanical, or other design professional services are rendered  
30 in good faith at the request of or with the approval of a  
31 national, state, or local public official, law enforcement  
32 official, public safety official, or building inspection  
33 official believed by the registered architect or professional  
34 engineer to be acting in an official capacity, and are rendered  
35 voluntarily and without compensation, a registered architect

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1 or professional engineer shall not be liable for civil damages  
2 for any acts or omissions resulting from the services provided,  
3 unless such acts or omissions constitute recklessness or  
4 willful and wanton misconduct. The bill provides that receipt  
5 of expense reimbursement for services performed shall not be  
6 regarded as compensation for such services.